

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, October 21, 2014

The City Plan Commission held its regular meeting on Tuesday, October 21, 2014 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

Mr. Jeff Krum	Vice Chair
Rev. Stan Archie	Member
Mr. Enrique Gutierrez	Member (left at 1:00 p.m.)
Ms. Margaret J. May	Member
Ms. Trish Martin	Member
Mr. Tim Van Zandt	Member

ABSENT

Ms. Babette Macy	Chairwoman
Ms. Bobbi Baker-Hughes	Member

ALSO PRESENT

Ms. Diane Binckley	Staff
Mr. Joseph Rexwinkle	Staff
Mr. John Eckardt	Staff
Ms. Ashley Winchell	Staff
Mr. Olofu Agbaji	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Tom Nguyen	Land Development
Mr. Bret Cox	Land Development
Mr. Stan Eiler	Land Development

Chairwoman Macy called the meeting to order at 9:13 A.M.

RE: **Final Plat - SD 0763G, Pembroke Estates – Sixth Plat**

APPLICANT: Bob Wooldridge, Cambridge Homebuilders, LLC
PO Box 901461
Kansas City, MO 64190

AGENT: Shannon Buster, PE
Lutjen, Inc.
1301 Burlington, Suite 100
Kansas City, Missouri 64116

LOCATION: Located along each side of proposed NE 92nd Street, north of N
Montgall Avenue and N Chestnut Avenue

AREA: About 13.07 acres

REQUEST: To consider the approval of a final plat in District R-7.5 previously
R-1a creating 38 single-family lots, private open space tracts and
road right of way.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance to the November 4, 2014 meeting date without fee.

Vice Chair Krum opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **SD 0763 be CONTINUED** to the November 4, 2014 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin, and Van Zandt

VOTING NAY: None

ABSENT: Baker-Hughes and Macy

RE: **SD0964X, Final Plat, Staley Farms, 12th Plat**

APPLICANT/ OWNER: Bob Wooldridge
SF Development, LLC
9614 N. Bradford Avenue
Kansas City, MO 64154

AGENT: Shannon Buster
Lutjen, Inc.
1301 Burlington Street, Suite 100
N. Kansas City, MO 64116

LOCATION: Generally located at NE 111th Street and NE 111th Terrace,
between N. Park Avenue and N. Wabash Avenue.

AREA: Approximately 17 acres

REQUESTS: To consider approval of a final plat in District R-6 on
approximately 18.4 acres, creating 39 residential lots and four (4)
tracts.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance off docket without fee.

Vice Chair Krum opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner May seconded the motion that **SD 0964X be CONTINUED OFF DOCKET** without fee (No Testimony – No Set Quorum).

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin, and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: **Case No. 14185-P-1**

APPLICANT: Conrad Letson
Kansas City Auto Acquisitions
9001 E. Colonial Drive
Orlando, FL 32817

OWNER: Conrad Letson/ Twin City Holdings, LLC
1100 Main Street
Kansas City, MO 64105

AGENT: Brian Black
Black Corley Owens & Hughes
219 W. South Street
Benton, AR 72015

- LOCATION:** Generally located on the south side of W. 104th Street, at the northeast corner of I-435 and State Line Road.
- AREA:** Approximately 3 acres.
- REQUESTS:** To consider approval of a Chapter 80 final plan in District B3-2 (Community Business dash 2), to allow for a 3,800 square foot building addition and parking lot modification.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Brian Black, 219 W. South Street, had signed the consent agenda and agreed to all the conditions in the staff report.

Vice Chair Krum opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 14185-P-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That four (4) collated, stapled and folded copies of the plan set, (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
 - a. Remove color coding from the site plan.
 - b. Written information shall be provided in the following order on the site plan and in tabular form on the face of the plan. The site plan shall identify buildings, and other graphic information by numbers or letters to allow easy reference to the following information:
 - a. Existing zoning of property, including type of planned district requested.
 - b. Total land area in square feet or acre.
 - d. Net land area or acres.
 - e. Proposed use or uses of each building and structure.
 - f. Height above grade of buildings and structures and number of floors of each building.
 - g. Gross floor area per floor and total for each building.
 - h. Building coverage and floor area ratio.
 - j. Ratio of required number of parking spaces for each use and amount of required, proposed parking spaces.
 - l. Commencement and completion dates for each phase.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin, and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: a. **SD 1493 – Osler Estates – Preliminary Plat**
 b. **SD 1493A – Osler Estates – Final Plat**

APPLICANT: Layne Richardson, Framework Design, Inc.
 1705 Summit St.
 Kansas City, KS 64108

OWNER: Clint and Beth Osler
 4101 W. 47th Street
 Roeland Park, KS 66205

FIRM PREPARING PLAT: Renner & Assoc. LLC
 Betty J. Sheil
 221 E. Gregory Blvd.
 Kansas City, MO 64114

LOCATION: Generally located west of N Overland Drive and north of NW 56th
 Street

AREA: About 5.6 acres

REQUEST: a) About 5.6 acres generally located west of N Overland
 Drive and north of NW 56th Street, to consider approval of a
 Preliminary Plat in Districts R-7.5 (Residential 7.5) and R-80
 (Residential 80) creating 2 single family lots.
 b) About 5.6 acres generally located west of N Overland
 Drive and north of NW 56th Street, to consider approval of a Final
 Plat in Districts R-7.5 (Residential 7.5) and R-80 (Residential 80)
 creating 2 single family lots.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Commissioner May asked if any other developers were interested in developing the area.

Mr. Eckardt answered in the last 10 years it had been developed; so he thought there was interest. It was just in that particular location, it had been owned by someone so he didn't know if anyone had approached them to buy it or not.

Mr. Richardson answered that they had been approached and the current owners were not interested; they had planned that on the northern lot the house would be built to farther east and the southern lot could be subdivided. They loved the land and they didn't want to leave the land, but if the option wasn't approved, they were in the process of trying to come up with the solution to the 3-acre problem they had; they had found one other potential solution, but it wasn't in the

best interest of the client or the City which they could still build the house they wanted and leave the existing house as it was, to get one septic system, the south house could be considered potentially a guest house or long term residence for their aging parents and be connected to the north house with one septic system which would tie the two houses together essentially permanently; but if those two houses become one, they could never sell off the south house and the 5 acres would be stuck.

Commissioner Archie asked was part of the goal of the expansion of the sanitary sewers the potential future development or just the standard wanted because of the acreage. As they thought about the development was the harm of not expanding the sanitary sewers connected to the future expectation of development.

Mr. Eckardt responded he thought that was right; in standard types of development there are extension of sanitary sewers and the extension of all the roadways etc. which had been from north to south there; it was not a standard type of development, however; they were waiving those requirements in theory, people down the road were not going to develop because they had developed. Since it was a city and since standard types of development paid for themselves more than others, for example the construction of the road so others could use it; in this particular case, it wasn't probably paying for itself like other standard developments would.

Vice Chair Krum asked to hear from the applicant.

Mr. Blaine Richardson, 1705 Sun Street, Kansas City, Missouri; he wanted to comment on the elements of the development. The other thing that was standing in the way it was not reasonable for the clients to extend the sewer for 1500 feet to the site for future development of the site; it was the existing sewer system was for down, the cost of that was falling on his clients to extend that sewer which would be great for everyone else to use so they could develop; they would be taking on that entire cost for what they were trying to do. They were not trying to develop it as subdivision they were trying to build their house on land that they found. If they could get it split now with two septic systems, both lots would be just shy of 3 acres of about 2.7; they would still have the option that in the future the south lot could be completely subdivided into 7 additional lots; which and because of the way the site was set up there was two ponds, a sewer easement on the north side and some pretty steep grade issues on the north end. The other improvements along North Oak they were willing to do those; they were looking not do the improvements along 56th only because there were no improvements on either side to connect to; early they had implied that they could defer that and denote that it would be their responsibility should 56th Street ever be upgraded but it would be their responsibility to make their responsibility at that point. The septic was the issue for the clients.

Vice Chair Krum asked if he was in agreement with staff's recommended conditions.

Mr. Richardson responded that the only issue they would be asking for a waiver the sewer extension so they could have septic systems and ideally the improvement on 56th Street; but if they had to do it would be agreeable.

Vice Chair Krum asked if they were to grant the applicant's fondest wishes, they would then strike Conditions #12 and #13 on the preliminary plat and #11 and #17 on the final plat in their entirety.

Mr. Eckardt stated with a deferral with improvement to 56th Street; but basically that's right.

Vice Chair Krum stated then for a compromise could be for the 56th Street improvements there would be a deferral agreement that would become operative in the event that other development or improvements took place on 56th Street.

Mr. Eckardt answered that was correct.

Vice Chair Krum asked about the rationale in the Code for requiring at least 3 acre sites, could he explain that condition?

Mr. Eckardt responded that he would guess, he really didn't know, he would guess it had to do with the leeching of the septic tank system because with a septic tank and it would leech out into the laterals; and those laterals would then disseminate product into the soil and there was a minimum requirement for that; then they would have to have a perk test. And it was an agricultural area; it had both to do with the size of the lot and the leeching of the product.

Vice Chair Krum asked if his client presently owned the site.

Mr. Richardson answered yes and had for two years.

Vice Chair Krum asked about the existing house on the south; was that occupied?

Mr. Richardson stated yes it was when they bought it but now they used it as a rental property before they would move to their new house; it was income generated while they waited to move into their new house.

Vice Chair Krum asked if their intent would be to retain that structure for the future.

Mr. Richardson stated that the ideal situation was that they could build their house on the north portion, the south house would stay existing and they could use it as a rental property to generate income; long term it might serve as a home for aging parents or guests if they chose not to have it as a rental; their intent was to keep both parcels.

Vice Chair Krum asked that the site now, at 5.6 acres the applicant could if they chose build a house on the north portion of the site, but they would have to remove the south structure, it wouldn't accommodate two structures.

Mr. Eckardt stated that was correct; they didn't have 3-acres per lot.

Vice Chair Krum stated then another option would be was to tear it down and build a new house somewhere else on the site and they had enough acreage to do that.

Mr. Eckardt answered right.

Mr. Richardson stated that it wouldn't be a particularly cost effective option because they paid for land that had a house on it and the purchase value was based on the house and not just an empty lot. Their mortgage was for a house and land and then putting a new house on the north end just would not be a cost effective option.

Commissioner Archie asked about the deferral option if it were to take place; he didn't like sidewalks going nowhere especially when there wasn't any anticipated development; then the sanitary sewer issue was that it would be reasonable to extend it when development took place just as a protocol from applicant, the length in which it had to be extended was more than their fair share.

Mr. Richardson answered yes.

Commissioner Archie asked if there was an assessment of what his fair share was.

Mr. Richardson said off the top of his head no; right now he thought the assessment was 1500 linear feet and the estimate he was told at one point was \$30 a linear foot; so they were talking \$48,000 just from the sewer to the site which was about 20% of what their otherwise total budget was for construction. They would be crossing 3 or 4 other parcels that now could all be developed and they would get easy access to a sewer that they had to pay for.

Commissioner Archie asked if the other lots got developed and the sewer inched its way up would there be a point the owners of the property would be responsible for extending the sewer from their parcel to wherever.

Mr. Eckardt answered he didn't think there would be a requirement of it because they already had their sanitary sewer; now they might want to do that it because it would be easier to sell if the home was on a sanitary sewer system rather than a septic system, but he was not sure if they would be required.

Commissioner Archie stated that if the deferral was from the lot to the right of way easement so that lot would not be without sanitary sewer should the other stuff be developed and they not be the owner any more.

Mr. Eckardt stated that the good thing about that it came from the west to the east so that would probably be one of the last one's that would receive it. Other development would probably occur that would be something in the developer's favor was that they were not the first ones.

Vice Chair Krum stated that staff pointed out, the value of that property was enhanced dramatically by bringing the sewer to it; he didn't see that as a long term problem. The deferral of the road improvements might be a different matter and something they needed to nail down.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition to this matter.

Commissioner May wanted to make sure there wouldn't be any environmental issues if they waived the sewer extensions and went to septic.

Mr. Eckardt stated he would let LDD respond to that but on page 3, according to the Code, they required no smaller than 3 acres.

Mr. Stan Eiler, LDD; the issue of the sanitary sewer was dependent on what type of percolation tests they could accomplish to indicate whether or not the soil was appropriate for a septic tank. The permit itself in likeness would be issued by the MD&R and they were fairly strict on that 3-acre requirement with perk tests. As far as the deferral for the street improvements, that presented a different type of dilemma because effectively it would be an open-ended agreement almost in perpetuity and they would have to have a very well-defined trigger that would initiate the need for improvements on 56th Street; it could be 5 years it could be 20 years and it was hard to track a deferral agreement for 15 to 20 years; it could be done, it had been done but it presented a problem for precedent. The sanitary sewer was a critical element, and again they had that precedent, if they waived the sanitary sewer extension would there ever be a septic system permit; no one knew. It's a pickle.

Vice Chair Krum stated if they recommended approval and then Council were to approve it, the applicant would still have to go to MD&R and request a permit for the installation of a septic system which may or may not be granted.

Mr. Eiler stated correct; the City was not responsible for issuing septic permits.

Vice Chair Krum stated that Mr. Eckardt had indicated in his presentation there was a question for staff on whether or not it was an appropriate land use.

Mr. Eckardt stated right.

Vice Chair Krum stated it did seem a bit out of character to have two almost 3-acre lots; on the other hand the applicant owned the property, it was zoned R-80.

Mr. Eckardt stated he was right, the owner had the right to do that; but he was looking at unincorporated Clay County; so there were septic systems and unimproved roads and no sidewalks, all to the south; again 56th Street was on the major street plan; however it was right in line to the north there were all standard types of development that had been annexed into the City back in the 60s and had been developing; so it was right on the edge there. It seemed like 56th Street was that edge; but then looking west, there were very similar types of construction, 3 to 5 acre developments, probably they would get swallowed up in development just like everything else to the north of them, but it was moving in the west.

Commissioner Van Zandt asked about the various requirements, particularly the extension of the sanitary sewer system, when did that become a requirement.

Mr. Eckardt stated it had always been in the subdivision regulations.

Commissioner Van Zandt so when the current owners purchased it within the last two years, if they had exercised due diligence they would have understood at the time of purchase when they were establishing on whether or not to buy it, that would have been the requirements.

Mr. Eckardt stated if they would have thought ahead yes.

Commissioner Van Zandt asked about whether or not it would require 6 acres of dividing it into two lots that was also a requirement at the time when they purchased it.

Mr. Eckardt answered at the time of the new Code, yes.

Commissioner Van Zandt stated that was he was hearing, that the current owners when they purchased it basically took a risk that they would be able to make revisions and ultimately work around what were very clear requirements; he understood the quandary they were in, but unless they were blind and did not exercise due diligence they were asking, in effect, to resolve a problem that they themselves created.

Mr. Eckardt stated that it was also a problem with the location it was in.

Commissioner Van Zandt stated because of that, he guessed he couldn't go along with it; he would be opposed to the decision.

Vice Chair Krum stated that the element that he had pointed out earlier was the applicant was free to build whatever they liked as long as there was only one permanent structure on that site; one single-family home.

Mr. Eckardt stated right and without the extension of utilities.

Vice Chair Krum asked if that would trigger another need to come before Plan Commission or Council or anything else.

Mr. Eckardt answered right.

Mr. Richardson in addressing the owners doing their due diligence; the previous owners from what he understood had tried to start doing a split to sell the north and got into the mess of they couldn't quite split it as they wanted to and ultimately decided to sell the entire lot without informing them that the reason they couldn't make the split work because of the septic issue; it wasn't aware fully, and he didn't know when it changed; it used to be a 1-acre requirement; so he thought a lot of people assumed that 1-acre was generally okay.

Ms. Diane Binckley stated that if the Commission decided to move forward with the option of granting the waiver; under Condition #11 (final plat) and Condition #12 (preliminary plat);

Maggie and her discussed to add “or obtain a septic permit”; in case they couldn’t obtain the other then they would have had approved it with the requirement to extend or do the septic.

Commissioner Martin recommended approval with all the existing conditions.

Ms. Binckley stated yes, if you are okay with the two lots.

Commissioner Martin moved and Commissioner May seconded the motion to **APPROVE Case SD 1493 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the developer revise the preliminary plat in the following manner:
 - a. Show the front yard setbacks on both N Overland Drive and NW 56th Street as required by the Zoning and Development Code.
 - b. Notes, Cash in Lieu of Parkland, Change the 4 single family homes to 2 single family homes and state that the amount will be \$746.61.
 - c. Identify the N/S dashed line on the east side of the plat located about 50 feet west of the east property line.
 - d. Clarify the cited Right of Way line provided with Bk. B Pg. 175 (this appears to be an error as Minor Subdivisions cannot dedicate ROW).
 - e. Show the existing and proposed right of way dimensions from the centerline with 25 feet existing and a proposed 5 foot of additional right of way for a total ROW of 30 feet from the centerline.
 - f. Identify on the plat all of the waivers which were agreed upon by the City Plan Commission.

Conditions 2 through 19 per City Planning and Development, (Stan.Eiler@kcmo.org)

2. That the Owner/Developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
3. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.
4. That the Owner/Developer verify the peak rate of offsite runoff entering the pond on the south side of Lot 2. If that rate equals or exceeds 8.0 cfs, this is a public storm water conveyance system. This would require the existing storm drainage

easement to be extended to the discharge point at the pond and that the pond be platted as a separate storm water detention tract with a covenant agreement for maintenance, as determined by the Land Development Division.

5. That the Owner/Developer obtain the executed and recorded City-approved grading, temporary construction, drainage/sewer or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
6. That the Owner/Developer extend the existing public storm drainage easement to the point of discharge and that the discharge area be dedicated as a separate storm water detention tract, if it is determined to meet or exceed the criteria for public storm water discharge, as determined by the Land Development Division.
7. That the Owner/Developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one or more acres during the life of the construction activity.
8. That the Owner/Developer secure a Site Disturbance Permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
9. That after the City Plan Commission enters its disposition for the preliminary plat, the Owner/Developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right of way dedications for the planned project without the prior written consent of the Land Development Division.
10. That the Owner/Developer grant, on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or BMP permits, whichever occurs first.
11. That the Owner/Developer verifies adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
12. That the developer extends the sanitary sewer approximately 220 feet from N Overland Ct to the north property line of lot 2 and connects that with the private grinder pump, OR extends the Burlington interceptor sanitary sewer approximately 1600 feet to the west property line of lot 2.
13. That the Owner/Developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, street lights, road markings, sidewalk, curb and gutter and drive approaches and storm

water detention facilities, as applicable, to address all above items direct to the Land Development Division for code compliance review. Obtain all required construction permits from the Land Development Division.

14. That the Owner/Developer subordinates to the City all private interest in the area of any right of way dedication as required by the Land Development Division and that the developer be responsible for all costs associated with subordination activities now and in the future.
15. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
16. That the Owner/Developer submits covenants, conditions, and restrictions to the Law Department for approval by the City for the maintenance of any private open spaces and any detention areas and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
17. That the Owner/Developer provides copies of the executed and recorded Surface Drainage Easements. These easements may be identified with book and page numbers on the plat but they cannot be dedicated by the final plat. Separate documents must be submitted to Development Services.
18. That the developer enters into a cooperative agreement for the NW 56th half street improvement along the property frontage as required by the Land Development Division, including curbs, gutters, sidewalks, street lights, existing roadway section transitions to meet vertical and horizontal alignment standards, and relocation of utilities in the amount based on the engineering cost estimate.
19. That the developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Condition 20 per Wei Sun, PW Dept. (Wei.sun@kcmo.org)

20. That the developer dedicate five feet of additional right of way on the north side of NW 56th Street for a total of 30 feet of right of way from the centerline of NW 56th Street as required by the Public Works Department.

*Conditions 21 & 22 per Richard Allen, Parks and Recreation Dept.
(Richard.allen@kcmo.org)*

21. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} & * 2 \text{ SF units} \times 3.7 \text{ persons/unit} \times 0.006 \text{ acres/person} = 0.444 \text{ acres} \\ & * 0.444 \text{ acres} \times \$16,815.50 = \$746.61 \end{aligned}$$

22. That the developer submit a street tree planting plan for both N Overland Drive and NW 56th Streets for approval by the Parks and Recreation Department prior to the release of the final plat for recording.

Condition 23 per John Hastings, Fire Marshal's Office (John.hastings@kcmo.org)

23. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Condition 1 per City Planning and Development, Land Development Division (Stan.Eiler@kcmo.org) and Pam.Powell@kcmo.org)

Motion carried 5-1

VOTING AYE: May, Gutierrez, Krum, Martin, and Van Zandt
VOTING NAY: Archie
ABSENT: Baker-Hughes and Macy

Commissioner Martin moved and Commissioner May seconded the motion to **APPROVE Case SD 1493A SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the developer revise the final plat in the following manner:
 - a. Further additions and corrections as required by Land Development Division.
 - b. Show the front yard setbacks on both N Overland Drive and NW 56th Street as required by the Zoning and Development Code.
 - c. Notes, Cash in Lieu of Parkland, Change the 4 single family homes to 2 single family homes and state that the amount will be \$746.61.
 - d. Identify the N/S dashed line on the east side of the plat located about 50 feet west of the east property line.
 - e. Clarify the cited Right of Way line provided with Bk. B Pg. 175 (this appears to be an error as Minor Subdivisions cannot dedicate ROW).
 - f. Show the existing and proposed right of way dimensions from the centerline with 25 feet existing and a proposed 5 foot of additional right of way for a total ROW of 30 feet from the centerline.

Conditions 2 through 18 per City Planning and Development, (Stan.Eiler@kcmo.org)

2. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address

solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.

3. That the Owner/Developer verify the peak rate of offsite runoff entering the pond on the south side of Lot 2. If that rate equals or exceeds 8.0 cfs, this is a public storm water conveyance system. This would require the existing storm drainage easement to be extended to the discharge point at the pond and that the pond be platted as a separate storm water detention tract with a covenant agreement for maintenance, as determined by the Land Development Division.
4. That the Owner/Developer obtain the executed and recorded City-approved grading, temporary construction, drainage/sewer or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
5. That the Owner/Developer extend the existing public storm drainage easement to the point of discharge and that the discharge area be dedicated as a separate storm water detention tract, if it is determined to meet or exceed the criteria for public storm water discharge, as determined by the Land Development Division.
6. That the Owner/Developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one or more acres during the life of the construction activity.
7. That the Owner/Developer secure a Site Disturbance Permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
8. That after the City Plan Commission enters its disposition for the preliminary plat, the Owner/Developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right of way dedications for the planned project without the prior written consent of the Land Development Division.
9. That the Owner/Developer grant, on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or BMP permits, whichever occurs first.
10. That the Owner/Developer verifies adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).

11. That the developer extends the sanitary sewer approximately 220 feet from N Overland Ct to the north property line of lot 2 and connects that with the private grinder pump, OR extends the Burlington interceptor sanitary sewer approximately 1600 feet to the west property line of lot 2.
12. That the Owner/Developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, street lights, road markings, sidewalk, curb and gutter and drive approaches and storm water detention facilities, as applicable, to address all above items direct to the Land Development Division for code compliance review. Obtain all required construction permits from the Land Development Division.
13. That the Owner/Developer subordinates to the City all private interest in the area of any right of way dedication as required by the Land Development Division and that the developer be responsible for all costs associated with subordination activities now and in the future.
14. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
15. That the Owner/Developer submits covenants, conditions, and restrictions to the Law Department for approval by the City for the maintenance of any private open spaces and any detention areas and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
16. That the Owner/Developer provides copies of the executed and recorded Surface Drainage Easements. These easements may be identified with book and page numbers on the plat but they cannot be dedicated by the final plat. Separate documents must be submitted to Development Services.
17. That the developer enters into a cooperative agreement for the NW 56th half street improvement along the property frontage as required by the Land Development Division, including curbs, gutters, sidewalks, street lights, existing roadway section transitions to meet vertical and horizontal alignment standards, and relocation of utilities in the amount based on the engineering cost estimate.
18. That the developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Condition 19 per Wei Sun, PW Dept. (Wei.sun@kcmo.org)

19. That the developer dedicate five feet of additional right of way on the north side of NW 56th Street for a total of 30 feet of right of way from the centerline of NW 56th Street as required by the Public Works Department.

*Conditions 20 & 21 per Richard Allen, Parks and Recreation Dept.
(Richard.allen@kcmo.org)*

20. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} &* 2 \text{ SF units} \times 3.7 \text{ persons/unit} \times 0.006 \text{ acres/person} = 0.444 \text{ acres} \\ &* 0.444 \text{ acres} \times \$16,815.50 = \$746.61 \end{aligned}$$

21. That the developer submit a street tree planting plan for both N Overland Drive and NW 56th Streets for approval by the Parks and Recreation Department prior to the release of the final plat for recording.

Condition 22 per John Hastings, Fire Marshal's Office (John.hastings@kcmo.org)

22. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Motion carried 5-1

VOTING AYE: May, Gutierrez, Krum, Martin, and Van Zandt

VOTING NAY: Archie

ABSENT: Baker-Hughes and Macy

RE:	Case No. 12350-P-8
OWNER/APPLICANT:	Alan Hoambrecker Hoambrecker Properties, LLC 14523 NW 74 th St Parkville, MO 64152
AGENT:	Rick Kuhl HSKF Architects 110 Armour Rd North Kansas City, MO 64116
LOCATION:	Generally located at the southwest corner of NE 81 st St and N Brighton Ave.
REQUEST:	To consider approval of a Chapter 80 Final Plan to allow construction of an 6,930 square foot convenience store with gasoline and fuel sales.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Rick Kuhl, 110 Armour Rd, North Kansas City, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Vice Chair Krum opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 12350-P-8 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the full plan set, revised as noted below, be approved by the Development Management staff (15th Floor, City Hall) prior to issuance of a building permit:
 - a. Provide a sign plan demonstrating compliance with 88-445 or add a note to Sheet AS1.01 stating that all signage will comply with 88-445.
 - b. Remove all references to the final plan being a “permit set”.
 - c. That the site plan (Sheet AS1.01) be revised as follows:
 - i. Fully dimension drives, streets, parking spaces, spaces between fuel pumps and drives around fuel pumps, building and parking lot setbacks.
 - ii. Label all easements and provide their dimensions.
 - iii. Provide the material of all fences and retaining walls.
 - iv. Provide a sidewalk connecting the building entrance to the public sidewalk along Brighton Ave.
 - d. That the landscape plan (Sheet L1.01) be revised as follows:
 - i. Show evergreen shrubs to form a continuous screen at least 3 feet in height along the east side of the parking lot in compliance with 88-425-05.

Motion carried 5-0

VOTING AYE: May, Gutierrez, Krum, Archie, and Martin
VOTING NAY: None
ABSENT: Baker-Hughes, Van Zandt and Macy

RE: Case No. 12593-MPD-1

APPLICANT: Silliman Group, LLC
32 N. Dean Street., 2nd Floor
Englewood, NJ 07631

PROPERTY OWNER: 301 E. Armour LLC
32 N. Dean Street., 2nd Floor
Englewood, NJ 07631

REPRESENTATIVE: Jaclyn Maloney
Husch Blackwell LLP
4801 Main Street, Suite 1000
Kansas City, MO 64112

- AREA/LOCATION:** About 3.66 acres generally located on the south side of E Armour Boulevard between McGee Street and Gillham Road
- REQUEST:** To consider rezoning the site from Districts R 0.5 (Residential 0.5) and R 1.5 (Residential 1.5) to District MPD (Master Planned Development) and the approval of a Preliminary Development Plan for a mixed use building with parking lot.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Ms. Jacqueline Maloney, attorney with Hush Blackwell on behalf of applicant; Peter Castle was to her right. They wanted to thank staff for helping them through the process; they had been very supportive and it was a delight; it was one of the really good projects that they had and like John said, staff was in support and they were there for questions.

Vice Chair Krum asked if they were in agreement with staff conditions including the removal of the three that John referenced.

Ms. Maloney answered yes.

Vice Chair Krum opened up the discussion to the public.

Ms. Carol Remauldy, Manager of Community Engagement and Advocacy at 300 E. 36th Street; they had reviewed the plans with Mr. Castle and Ms. Maloney on Friday and they were very pleased with taking it back to residential use and the quality and caliber of those plans; they were very support of it.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 12593-MPD-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

Condition 1 various staff members

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. Sheet C001, MPD Rezoning Info., J. Change 101 spaces to 103 spaces
 - b. Sheet C001, MPD Rezoning Info., K. Include the required and provided bicycle parking spaces and make sure the provided meets or exceeds that which is required.
 - c. Sheet C001, MPD Rezoning Info., D. Describe what is referred to with Co-located antennae.
 - d. Sheet C003, Change the drive width entrance on Gillham Road from 30 feet to 25 feet or less.

- e. Sheet L100, Add examples of genus and species for the plant schedule, add sizes which are called out in the Zoning and Development Code and make sure that all street trees are listed on the Parks and Recreation Street Tree Planting guide.

*Conditions 2. through 7. per Land Development Division, Stanley Eiler,
(Stanley.eiler@kcmo.org)*

- 2. ~~The developer must submit a detailed Micro storm drainage study, including stormwater management mitigation, roof drainage and surface drainage contribution reductions to the combined sewer where applicable from collection and connection of runoff, all in accordance with the strategic policies of the January 30, 2009 Overflow Control Plan, and Sections 7.3.13 Best Management Practice, and APWA Section 5600, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division. At a minimum retain the first 1.5 inches of runoff for the 100 year storm event and control the 100 year peak flow rate to the capacity of the downstream system of the combined sewer.~~
- 3. ~~That the developer provide a storm water conveyance system to serve the proposed lot within the development and determine adequacy as required by the Land Development Division.~~
- 4. That the developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
- 5. That the owner/developer secure a Site Disturbance Permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
- 6. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits. (Note: This applies to all three abutting streets see Parks and Recreation for Gillham Road)

7. ~~That the owner/developer verify adequate capacity of the existing sewer system as required by the Land Development Division for the property, extend public sanitary sewers as necessary to serve the property and address any inadequacies prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).~~

Condition 8 per Fire Marshal's Office (John.Hastings@kcmo.org)

8. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Condition 9 per Parks and Recreation Department (Richard.allen@kcmo.org)

9. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} & * 56 \text{ MF units} \times 2 \text{ persons/unit} \times 0.006 \text{ acres/person} = 0.672 \text{ acres} \\ & * 0.672 \text{ acres} \times \$16,815.50 = \$11,300.02 \end{aligned}$$

Condition 10 per City Development Department (John.eckardt@kcmo.org)

10. The developer shall submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: Case No. 1692-V

APPLICANT: Brian Irwin
Cerner Property Development, Inc.
2800 Rock Creek Pkwy
North Kansas City, MO 64117

LOCATION: Generally bounded by E. 87th St to the north, I-435 on the west, the Kansas City Southern Railroad on the east, and E 93rd St on the south.

REQUEST: to vacate portions of Hillcrest Rd from 87th St to 93rd St, a section of Fire House Rd north of 93rd St, a section of 91st Street west of the railroad right-of-way

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval subject to the reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Chris Wolfe, Oak Park, works for Cerner Corporation.

Commissioner Archie asked that from 87th Street up to 95th Street that road would be vacated.

Ms. Winchell stated that at 93rd Street there was a fire station which was not being moved and they needed to remain on a public road; the vacation would only encroach on 93rd Street; Hillcrest South to Bannister would still be public and new frontage roads would be built to provide access to the site. Police and fire would be given a censor that would open the gate.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 1692-V SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a full-width utility easement be retained until existing facilities are relocated and new utility easements are recorded.
 - a. Existing utilities to be protected until relocated include: Kansas City Power and Light, Kansas City, MO Water Services Department, Time Warner Cable and AT&T
2. That any existing facilities within the right of way be protected until relocated.
3. That the developer continues to work with the KCMO Fire Department to strive towards maintaining optimum response times as it relates to the privatization of Hillcrest Road prior to City Council action on this rezoning. Options to be considered include; redesign of the traffic circles, navigation of proposed security gates and possible relocation of Fire Station No. 41.

Conditions 4. & 5. per Kansas City Fire Department (John Hastings, john.hastings@kcmo.org)

4. That Hillcrest Road from 87th to 93rd Street must remain as a fire access road complying with §503.2 of the *International Fire Code 2000 (IFC-2000)*.
5. That water supply/hydrant system shall remain through the demolition process, the reestablished upon arrival of combustible building materials upon the site per § 1412.4 of the *International Fire Code 2000 (IFC-2000)* and *NFPA 241*.

Condition 6. per Public Works, Streetlighting Division (Sara Hurst, sara.hurst@kcmo.org)

6. Remove and return streetlights to the City as detailed on the utility comment form.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE:	Case No. 1654-V
APPLICANT:	Christopher Lemke DST Realty, Inc. 333 W 10 th St – Suite 101 Kansas City Mo 64105
CONTACT:	Tom Coulter MC Realty Group 114 W 11 th Street – Suite 200 Kansas City MO 64105
LOCATION:	one city block bound by W 10 th St to the north and W 11 th St to the south, Central St to the west and Wyandotte St to the east
REQUEST:	to vacate the north/south and east/west alleys on the block bounded by 10 th St to the north, 11 th St to the south, Central St to the west and Wyandotte St to the east

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval subject to the reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Tom Coulter, applicant; agreed with all conditions in the staff report.

Vice Chair Krum opened up the discussion to the public.

Ms. Ellen Schwartz, 200 Main Street, Kansas City, Missouri; she believed they were to the point in downtown development and they needed to be protective of all of their potential including their alley ways. They were strongly opposed to the vacation of the alley. They were extremely disappointed that the planning supports the vacation when the City's own adopted Greater Downtown Area Plans identified the preservation and utilization of alleys as a goal. Alleys should be integrated with overall access and site circulation whenever possible. Further, the City's planning efforts identified importance of alleys for a variety of connectivity and many in-service functions; basically saying that the alley ways provided a way to connect the City that

was not on the street which was very important for pedestrians and bikes and especially for children.

Ms. Natasha Cartwright, 127 W. 10th; she had a question; there was another parking space/lot that was on the northeast side of that lot and she wanted to know if there would be a new parking structure being built just south of that.

Ms. Winchell answered that parking garage would remain.

Vice Chair Krum stated and she had indicted there was a potential for construction of a new structure.

Ms. Winchell stated (pointing to map) that parking garage would remain and they proposed the new parking structure there; they didn't have any plans in place right now it was there just considering in doing that portion of the block.

Mr. Coulter stated he appreciated the input from the neighborhood group; one of the problems with the alley in its current state, they did have children passing between the two buildings both in the proposed elevated walkway which was not there; there was also a passage way at the east end of the two buildings that heavy traffic came down that alley and would be a detriment to the safety of the children and in general traffic on those two alleys because children passed down that way to go to the library; they were opposed to keeping the alley open because of the safety of the children and also it restricted their future development opportunities of the combination of the existing parking garage; they would very much like to have it vacated.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 1654-V SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a full-width utility easement be retained.
2. That any existing facilities in the right-of-way be protected.

Motion carried 6-0

VOTING AYE:	May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY:	None
ABSENT:	Baker-Hughes and Macy

RE:	SD 1070B, Preliminary Plat, Hollyday/ Raymond
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APPLICANT:	Brian McMulin, Trust Executor 1510 S. Cedar Belton, MO 64012
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OWNER:	Bernard R. & Donna D. Hollyday Trust 1510 S. Cedar Belton, MO 64012
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AGENT: Sam Aylett
Aylett Surveyor Co.
201 NW 72nd Street
Gladstone, MO 64118

LOCATION: Generally located a quarter-mile south of E. 87th Street on the west side of Rhinehart Road in the City of Kansas City and Unity Village.

AREA: Approximately 10 acres.

REQUESTS: To consider approval of an inter-jurisdictional preliminary plat in District R-80 (Residential dash 80), within the City of Kansas City and Unity Village, creating two residential lots.

Mr. Olofu Agbaji, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Jason Robins, Aylett Survey Company, 201 NW 72nd Street, Gladstone, Mo; represented the applicant and was in agreement with the staff's conditions.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE SD 1070B SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff showing:
 - a) Conservation Easement recording information on the face of the plat.
 - b) Copy of subdivision application to Unity Village.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
3. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
4. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the

disturbed area equals one acre or more during the life of the construction activity.

5. That the developer pay money in lieu of open space dedication in the amount of \$746.61 for the additional residential unit proposed; the contribution is based on the 2014 contribution rate of \$16,815.50 per acre.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: Case No. 14445-SU-1

APPLICANT: Christian Arnold
Clockwork
423 Delaware St, No. 102
Kansas City, MO 64105

OWNER: Bill Bryant
Lead Bank
9019 S Hwy 7
Lee's Summit, MO 64064

LOCATION: Generally located at the southeast corner of 18th St and Main St.

REQUESTS: Approval of a major amendment to a previously-approved special use permit in District DX-15 (Downtown Mixed-Use (dash 15)) for a drive-through facility.

Mr. Joseph Rexwinkle, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Christian Arnold, with Clockwork Architects, 423 Delaware, Suite 102, Kansas City Missouri; and are in agreement with staff's recommendations and conditions.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 14445-SU-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed

sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:

- a. Signage details including material of construction, dimensions, method of illumination and total area in relation to the area of the façade (in square feet) upon which wall signs are placed be provided demonstrating compliance with 88-445.
2. That the Special Use Permit shall be issued for drive-through facility to serve only a bank. The Special Use Permit shall expire at such time that the drive-through is removed, the bank is replaced by a different use, or 10 years from date of approval by the Board of Zoning Adjustment, whichever may occur first.

The following condition is recommended by the Public Works Department. Please contact Gnani Mahalingam at gnani.mahalingam@kcmo.org or 816 513-9843 for more information.

3. That the developer construct ADA-compliant ramps across the driveway from Main Street.

The following condition is recommended by the Water Services Department. Please contact Matt Thomas at matt.thomas@kcmo.org or 816 513-0306 for more information.

4. The developer provide a wider sewer easement.

The following conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at brett.cox@kcmo.org or 816 513-2509 for more information.

5. That the developer shall submit to the Land Development Division, 5th Floor of City Hall, a Storm Drainage Report from a Missouri-licensed civil engineer evaluating proposed improvements and impact to drainage conditions. There shall not be an increase to historical runoff conditions from the site and since this project is within a "Combined Sewer Overflow" (CSO) district, the expectation is to retain rainfall up to 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and provide a safe overflow path for the 100 year storm, in order to provide protection that the rainfall retention approach does not provide. Drainage study should verify if any modifications to public sewer structures are required and that downstream conditions will not be impacted negatively as a result of engineering impact. The study shall be submitted prior to approval and issuance of any building permits and prior to recording the plat. The developer shall provide for construction of improvements as required by City Planning & Development.
6. The developer must submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified

sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: Case No. 6720-MPD-17

OWNER: McBannister Associates, Ltd.
15910 Venture Blvd, Suite 1019
Encino, CA 91436

APPLICANT: Russ Colvin
5615 E Bannister, LLC
1431 St Andrew Place
Santa Ana, CA 92705

AGENT: Mark S. Bryant
White Goss
4510 Belleview Ave, Suite 300
Kansas City, MO 64111

LOCATION: Generally located at the southwest corner of Hillcrest Rd and E Bannister Rd.

REQUEST: To consider approval of a rezoning from District UR (Urban Redevelopment) to District MPD (Master Planned Development) and approval of a preliminary development plan acting as a preliminary plat for 159,000 square feet of retail, restaurant and storage uses.

Required Quorum: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy)

Mr. Joseph Rexwinkle, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Mark Bryant, White Goss law firm, 4500 N. Belleview, Kansas City, Missouri and Mr. Bruce Jordan, Jordan Architects; all of the recommended revisions had been incorporated; all the staff conditions were being agreed to; they agreed with the staff report that the proposed plan represented a significant improvement over what currently existed and they were there to seek a favorable recommendation.

Vice Chair Krum opened up the discussion to the public.

Ms. Carol McClure, Co-Chairman of the Southern Community Coalition; they wanted to first thank them for continuing the case so they could come to the community. They met on October 15th and Mr. Jordan also came into town which they were very pleased. At the beginning of the meeting, Mr. Bryant came with 20 copies of his project; they had spoken to him before that there would probably be about 50 people there; needless to say it was short seeing all of the drawings; he did bring one large rendering; but at no time was there anything as far as a rendering of what the building was going to like. The only information that they had on the building came from the staff report. They had a couple of people raise questions concerning what the building materials would be but he had no definite response. Metal panels were mentioned for the building by the architect. That area was a big part of the Hickman Mills Area Plan which included the historic history of the area. That corner was highly visible and any development should be compatible to the existing development and future developments on the north side. The Hickman Mills Plan discouraged the use of metal on buildings and they strongly supported that plan. They did have pictures of recent developments in the area and they were done with quality material and design enhanced for future development. She did have copies of what was recently built according to the Hickman Mills Area Plan. They did have it on a poster board also that showed the recent development that they had in the area which went along with the Hickman Mills Area Plan. They were concerned about the existing signage that K-Mart pylon signs; they supported the City on their requirements on signage.

Two closing statements; the handouts they received looked to be the same as what was presented at the CPC hearing on October 7th and they understood there were to be some changes and there was no explanation on the new plan. After the presentation, Mr. Bryant and Mr. Jordan were invited to stay after the meeting in order for individuals to ask further questions; they left immediately. The community questions on whether the project fit in with the Hickman Mills Area Plan and the historic nature of the area. According to them, there were still too many loose ends; they needed to make sure that the development was a good fit for the area. At that time, they still did have some questions.

Ms. Theresa Eden, 4425 E. 107th Terrace; they did appreciate the Commissioners willingness to postpone the hearing until today in order for the developer to come to the community and let them know what was happening. She was the one that was communicating with Mr. Bryant by email and she did let him know there would be 50 to 60 people at the meeting and he assured me in a return email there would be enough copies of whatever he brought for everyone, but he only brought 20 and some people didn't get to see them. The day before the meeting, he emailed asking if he could use a power point, she made arrangements with the school district and got it set up; and told Mr. Bryant and he then told her they wouldn't need that now, they put their drawings on a poster board and would bring that to the meeting. It didn't quite go as well as they had planned and she thought that was the reason why the community still had some concerns and issues about this.

Mr. Lou Austin, 6601 E. 93rd Street, Kansas City, Missouri which was about 2000 feet from the property; in full disclosure, his family owned 48 acres across the street on Bannister since they

had since 1959; his family also owned a commercial office building at 5904 E. Bannister; from a personal standpoint he was vested in the community and obviously whatever occurred that close to his front door was of more than casual interest. He was also Chairman of the Three-Trails Village Community Improvement District which formerly included most of the Cerner project. As information to the Commission, they were currently, which was a prelude to his comment, in the process of constructing a 1.5 million dollar project directly across the street from this project. That was part of the Kansas City Trails KC Plan; they were building a 10-foot trail from Drury or the existing ATA facility; west which included a dedicated pedestrian bridge over I-435 down to the traffic light in front of home depot. Cerner through the TIF Plan had agreed to construct that trail eastbound from Drury to Hillcrest up to the fire station and over to Shumacher Park.

My comments after looking at the plan, and the big picture was very simple; there were remarkable things now happening in south Kansas City, positive things that had been a long time in coming. They had an opportunity to make sure they raised the bar wherever they could and do it right so that every project that was approved by the City reinforced the other investment that had been made and hopefully encouraged additional investment. That was the big development picture of the Three Trails area. An even bigger challenge or picture was to start seriously implementing transit and walkability, not in big grandiose public vote affair, but to start doing that project by project by project; to create the infrastructure that lent itself to converting communities into more transit friendly environment. Bannister was a major trans-corridor; all the development that they were more familiar with and not had been disclosed yet, new businesses were coming in and all of it depended on a massive amount of employment and how would those people get to jobs efficiently and from those aerial pictures earlier, it was surrounded by a massive amount of residential area.

He was recommending to include as a condition on the project; there was an existing transit stop on Bannister, on Hillcrest and with a minimal investment he was asking as a condition that the developer put in the concrete pads to accommodate the bus companies transit equipment; let's lead the pack. He was also asking that the developer construct a sidewalk on the Drury side on the west side of that convenience store. Again, it's a gateway into the Three Trails area, there was an enormous amount of east/west traffic; they were about housekeeping and not talking about a lot of money.

He thought overall it was a good project; what else could be done with a dead K-Mart; but it was extraordinarily important that to begin setting the stage to move the dial from 100% auto-centric into a more integrated inter-mobile transit. Frankly, it would also improve the investment value of the property.

Mr. Bruce Jordan, architect responded to the testimony; they had an opportunity on October 15th to present to the coalition; Mr. Bryant and he were there for approximately one hour and 15 minutes; the site plan before them today they had on a large board and circulated it at the meeting, so the site plan at that meeting was exactly the site plan that they had there before them today with all of the changes. He would also like to say in responding to the "answer period"; Mr. Bryant and he responded to questions for about 20 minutes; they answered everybody's questions until there were no more questions; he believed they were all answered.

Regarding the sign issue; they had not addressed the sign issue, they had a lot of things to do, they needed to ensure the rezone was permitted first; but he assured they would not be seeking any variances for signs; they were going to be straight up with the City code for signage.

Regarding the transit corridor; they had no problem with the bus stop issue; but believed that the transportation agency should be the one dictating the location and placement. He mentioned in the presentation with the coalition that they would not be opposed to be putting those slabs in, he was there to reiterate that, but the direction he believed should be coming from the master plan of circulation and the transit authority; not just willy-nilly putting slabs there. They were willing to abide by it.

He would like to address the materials; they had designed the project to be very upscale; there was a reference to metal panels, they were proposing metal panels, but it was not an inexpensive cheap metal panel. For those of that drive north to the airport, several of the new car dealerships were using very upscale metal panels and were what they were proposing; they were adding stone around the entire base of the building, adding a lot of windows, store front, decorative lighting, etc. One of the major improvements that they were doing was adding about 77,000 sq. ft. of landscaping. They had been working with the community; they had been working well with staff, and appreciated their input.

Mr. Bryant stated that they already complied with the Hickman Mills Area Plan; they were going to comply with the design guidelines that had been adopted by the City; they were going to comply with the signage guidelines and regulations that had been promulgated by the City Council and upon the recommendation of this body; and they were going to comply with conditions and recommendations that had been made by staff. For those reasons they asked for a favorable recommendation.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 6720-MPD-17 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the full plan set, revised as noted below, be approved by the Development Management staff (15th Floor, City Hall) and supplemental studies be submitted to their respective departments prior to City Council consideration:
 - a. Add reference to major street plan classification for Bannister Rd (6-lane thoroughfare with 120' of right-of-way required).
 - b. Provide proposed lot line dimensions.
 - c. Provide setbacks of all vehicular use areas, buildings, fences and retaining walls from property lines.
 - d. Show proposed building entrances.
 - e. Graphically show and label all phases and include a phasing schedule.
 - f. Identify all retaining walls and fences and include their height.
 - g. Provide an outdoor lighting plan with photometric study.
 - h. On Sheet 03, Site Plan:

- i. Correct Note E to list uses as provided by the zoning and development code: outdoor storage, residential storage warehouse, retail, eating and drinking establishment, and eating and drinking establishment with drive-through.
 - ii. Correct Note F to verify the actual proposed building height, ensuring it is consistent with the building elevations.
 - iii. Correct Note J to show parking requirements which correspond to the proper use classifications as provided by the zoning and development code (see i above).
 - i. Show sidewalks along Drury Ave.
 - j. Show an internal sidewalk network connecting all public sidewalks to each building in the most direct route possible and provide a continuous sidewalk along the front of the main building.
 - k. Incorporate applicable design guidelines from the Hickman Mills Area Plan and provide additional design standards regulating permitted and/or prohibited building materials and design elements.
 - l. Provide an outdoor lighting plan with photometric study in compliance with 88-430.
2. ***The following condition is recommended by the Public Works Department. Please contact Gnani Mahalingam at 816 513-9843 or gnani.mahalingam@kcmo.org for more information.***
 - a. That the developer submit a traffic impact study to Public Works for review and approval prior to Council introduction, and that the required improvements identified by the approved traffic impact study be incorporated into the ordinance conditions by requiring the developer to construct said improvements, if any.
3. Prior to issuance of building permits, the applicant shall obtain approval of a Final Plan from the Development Management Division of City Planning and Development. Such plan shall include the following: a site plan, fully dimensioned; landscape plan complying with all applicable requirements of 88-425 and showing all fences, retaining walls, dumpsters and mechanical equipment, and utilities and easements; color building elevations with all materials labeled; lighting plan complying with 88-430, including photometric study; grading plan showing existing and proposed grades as well as all retaining walls with top and bottom elevations labeled; and a sign plan complying with 88-445 or a note stating that signage will comply with 88-445.
4. ***The remaining conditions are recommended by the Land Development Division of City Planning and Development Department. Please contact Stan Eiler at 816 513-2505 or stanley.eiler@kcmo.org for more information.***
5. That the Owner/Developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended,

commonly known as the Development Regulations.

6. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.
7. That the Owner/Developer obtain the executed and recorded City-approved grading, temporary construction, drainage/sewer or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
8. That the Owner/Developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
9. That the Owner/Developer secure a Site Disturbance Permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. That after the City Plan Commission enters its disposition for the preliminary plat, the Owner/Developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right of way dedications for the planned project without the prior written consent of the Land Development Division.
11. That the Owner/Developer submits an executed and recorded copy of a Covenant Agreement to Land Development Division for review by the Law Department for approval for the maintenance of any stormwater detention area tracts and BMP's as required by Land Development Division, prior to issuance of any building permits or BMP permits, whichever occurs first.
12. That the Owner/Developer verifies adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
13. That prior approval is obtained from the Transportation Development Committee for any

proposed exceptions to City standards.

14. That the Owner/Developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, street lights, road markings, sidewalk, curb and gutter and drive approaches, as applicable, to address all above items direct to the Land Development Division for code compliance review. Obtain all required construction permits from the Land Development Division.
15. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
16. That the Owner/Developer submits covenants, conditions, and restrictions to the Law Department for approval by the City for the maintenance of any private open spaces and any detention areas and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, with each final plat.
17. That the Owner/Developer provides copies of the executed and recorded Surface Drainage Easements. These easements may be identified with book and page numbers on the plat but they cannot be dedicated by the final plat. Separate documents must be submitted to Development Services.
18. That the Owner/Developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: Case No. 11353-SU-1

APPLICANT: Joseph Monachino, Jr.
St. Pius X High School
1500 NE 42nd Ter
Kansas City, MO 64116

OWNER: Catholic Diocese of Kansas City – St. Joseph
PO Box 419037
Kansas City, MO 64141

AGENT: David Eickman
Olsson Associates
1251 NW Briarcliff Pkwy, Suite 50
Kansas City, MO 64116

LOCATION: Generally located south of NE 42nd Ter and approximately 200 feet west of NE Davidson Rd.

REQUESTS: To consider approval of a special use permit in District R-6 (Residential 6) to allow for construction of outdoor athletic facilities at an existing school, and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from applicant.

Mr. David Eisen, 1251 NW Briarcliff Parkway; it would be a private use for the school to use for their tennis team and also the Middle School and St. Patrick's as well; they agreed with the stipulations and would work with staff to do everything as requested.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 11353-SU-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of the plans, revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:
 - a. All references on the plan to it being a "final plan" and replaced with "special use permit for a school and religious assembly use".
 - b. A fully-dimensioned site plan.
 - c. Identify all retaining walls and fences, if any, including their height and material.
 - d. Provide the days and hours of operation of the proposed tennis courts and whether there will be seating for spectators on the plans.
 - e. Existing property lines identifying point of beginning and distances and bearings of property lines, consistent with the legal description
 - f. Identification and written dimensions of the width from centerline and total width of existing perimeter and interior streets, other rights-of-way, and all existing easements.
 - g. Identification and written dimensions of the total width of pavement of existing streets.
 - h. Location and written dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing

- or approved accesses on properties adjacent or opposite the property, with off-set dimension from the centerlines of such streets and private access.
- i. Location of proposed tennis courts, existing buildings and structures to remain, with written dimensions of setback from proposed street right-of-way and adjacent property lines, dimensions of building width and length, number of floors, gross floor area per floor, and total building area.
 - j. Show adjacent properties on the plan including lot lines, building footprint, zoning and use.
 - k. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, outdoor storage and sales areas, and other paved areas.
 - l. Location of proposed or existing parking spaces, aisles, and drives with written setback dimensions from proposed street rights-of-way and adjacent property lines; typical width and length of parking spaces; number of parking spaces per row; and width of parking aisles.
 - m. Provide grading plan showing all existing and proposed contours as well as all retaining walls, their top/bottom elevations and material.
 - n. If outdoor lighting is proposed, provide a lighting plan with photometric study showing 0.18 footcandles along the right-of-way line and residential property lines. If no lighting is proposed, provide a note on the plan stating such and therefore no outdoor lighting plan is provided.
 - o. Height above grade of buildings and structures and number of floors of each building.
 - p. Gross floor area per floor and total for each building.
 - q. Building coverage and floor area ratio.
 - r. Ratio of required number of parking spaces for each use and amount of required, proposed parking spaces.
2. **The following conditions recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at brett.cox@kcmo.org or 816 513-2509 for more information.**
- a. Graphically show proposed BMP/Storm Water Management concept on the plan.
3. The developer must submit and have approved a detailed Micro storm drainage study to Development Services, in general compliance with adopted standards, including a BMP level of service analysis, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to approval and issuance of any building permits to modify the site.
4. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes and Macy

RE: Case No. 14510-SU

APPLICANT: Joseph Monachino, Jr.
St. Pius X High School
1500 NE 42nd Ter
Kansas City, MO 64116

OWNER: Catholic Diocese of Kansas City – St. Joseph
PO Box 419037
Kansas City, MO 64141

AGENT: David Eickman
Olsson Associates
1251 NW Briarcliff Pkwy, Suite 50
Kansas City, MO 64116

LOCATION: Generally located west of NE Davidson Rd and north of NE 42nd Ter.

REQUESTS: To consider approval of a special use permit in District R-6 (Residential 6) to allow for parking lot expansion and reconfiguration for an existing school, and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. David Eisen stated they were in agreement with the conditions in the staff report and agreed with the comments presented by staff; and would continue to work with them through this project.

Vice Chair Krum opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 14510-SU SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:

- a. All references on the plan to it being a “final plan” replaced with “special use permit for a school”.
 - b. Clearly delineate all property lines.
 - c. All retaining walls and fences, including their height and material.
 - d. Identification and written dimensions of the width from centerline and total width of existing perimeter and interior streets, other rights-of-way, and all existing easements.
 - e. Identification and written dimensions of the total width of pavement of existing streets.
 - f. Location and written dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing or approved accesses on properties adjacent or opposite the property, with off-set dimension from the centerlines of such streets and private access.
 - g. Adjacent properties on the plan including lot lines, building footprint, zoning and use.
 - h. Proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, outdoor storage and sales areas, and other paved areas.
 - i. The setback of the parking areas from all property lines and right-of-way lines and dimensions of parking spaces and drive aisles.
 - j. Provide grading plan identifying all retaining walls, their height and material.
 - k. Revised lighting plan showing a point by point array along the west, south and north property lines demonstrating compliance with 88-430-06.
 - l. The height above grade of buildings and structures and number of floors of each building.
 - m. The gross floor area per floor and total for each building.
 - n. The building coverage and floor area ratio.
 - o. The ratio of required number of parking spaces for each use and amount of required, proposed parking spaces in compliance with 88-420-06.
 - p. Bicycle parking in compliance with 88-420-09.
 - q. Perimeter landscaping of vehicular use areas in compliance with 88-425-05.
 - r. Interior landscaping of vehicular use areas in compliance with 88-425-06.
 - s. A sidewalk along the south side of NE 44th St from the west property line eastward to at least the entrance drive of the parking lot.
 - t. A sidewalk along the north side of NE 42nd Ter.
 - u. Sidewalks connecting the public sidewalks along NE 44th and NE 42nd Ter to the building entrances.
2. **The following conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at brett.cox@kcmo.org or 816 513-2509 for more information.**
 - a. Graphically show proposed BMP/Storm Water Management concept on the plan.
 - b.
3. The developer must submit and have approved a detailed Micro storm drainage study to Development Services, in general compliance with adopted standards, including a BMP level of service analysis, and that the developer secure permits to construct any

improvements as required by the Land Development Division prior to approval and issuance of any building permits to modify the site.

4. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.

Motion carried 6-0

VOTING AYE: May, Gutierrez, Krum, Archie, Martin and Van Zandt

VOTING NAY: None

ABSENT: Baker-Hughes and Macy

RE: a. Case No. 4613-P-11
 b. Case No. 4613-P-12

APPLICANT: Quik Trip Corporation
5725 Foxridge Drive
Mission, KS 66202

OWNERS: Quik Trip Corporation
5725 Foxridge Drive
Mission, KS 66202

Lake Investments, Inc. & Rose M. & Dale Baumgardner
c/o Quik Trip Corporation
Attn: Tax Department
PO Box 3475
Tulsa, OK 74101-3475

Rose M. Baumgardner & KC Quik Trip, LLC
c/o Quik Trip Corporate/Tax & Licensing Department
PO Box 3475
Tulsa, OK 74101-3475

Robert S. & Teresa E. McWhorter
10209 Washington St
Kansas City, MO 64114

Lisa M. Vieth
10213 Washington St
Kansas City, MO 64114

AGENT: Patricia Jensen
White Goss
4510 Belleview, Suite 300
Kansas City, MO 64111

LOCATION:

- a. Generally located on the west side of Washington St approximately 200 feet south of W 101st Ter.
- b. Generally located north of Indian Creek and approximately 200 ft south of W 101st Ter between Wornall Rd on the east and Washington St on the west.

REQUESTS:

- a. To consider rezoning from District R-7.5 (Residential 7.5) to District B2-2 (Neighborhood Business 2).
- b. To consider approval of a development plan in District B2-2 (Neighborhood Business 2) to allow for a gasoline and fuel sales use.

Mr. Joseph Rexwinkle, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm, 4510 Belleview, there on behalf of QuikTrip Corporation and with her also representing QuikTrip Corporation was Mr. Matt Brooks.

As Joe had indicated the request before the Commission was both to rezone the back two parcels that were currently residentially zoned to a commercial district to allow expansion of the existing QuikTrip, the demolition of the existing QuikTrip and construction of the New Generation III store which they had seen many times previously.

She had a power point presentation; the first slide was depicting why there was a need right now to do something with the site. Looking at the site where the existing store was and then the existing canopy, and really the only parking was in between the canopy and the building itself with some parking along the southern side of the site. Given the QuikTrip's new business model of providing lots of food preparation inside the building, customers were spending longer in the stores as they waited for their food to be prepared. As a result, the turnover of the cars parked did not occur as often as it did before; in addition to providing larger store areas to provide that food preparation area, they also needed to provide adequate parking for what was going on. They also would like to remove any conflict that occurred between people trying to get into the front of the building to buy products versus people gassing up their cars under the canopy and the conflict that occurred there could be sometimes difficult; so they would like to remove the conflict between the store and the gas canopy.

They were not unaware that moving and rezoning the back two parcels was a difficult issue; they were aware of the sensitive nature of that and that was why they had taken lots of time to really plan the screening and the buffering with regards to what they were doing in the back parcel of the property. They had met with the staff, the staff made some suggestions about where they placed the fence on that residentially zoned property which they took to heart and relocated the fence so it aligned with the existing line on the front of the residential home. They met with the Southern Business Coalition Alliance; met with Center Planning and Development Council; they had favorable comments from the Southern Business Alliance, she didn't believe Center Council

took a position. Last Saturday morning they met with 4 owners of 4 of the homes on that block; of the remaining 6 homes.

Joe had already gone through photos that represented the site well so she would flip through her photos; to the south of the site was the Indian Creek Greenway area before it got to 435; to the south of the site was all City-owned property and she showed the two homes they were acquiring and then demolishing to accommodate the construction of the new store. They would retain the existing street trees; she showed a slide of the existing improvements on the properties; she showed a plan on where the new store would be constructed compared to where it was now over the existing property line between the residential properties and the current QuikTrip property; and she showed where the parking would go behind the building. They would still have some parking still at the front of the building but they had a lot of parking on either side where the second and third entrances were so people who didn't want to get gas could come in and park on the site and go into the side entrances on the building. She had some renderings of what the site would look like after the store was constructed along with landscaping and the buffering that would be installed; and she showed a photo rendering along Washington from looking to the east, from the Steven's residence at what would be seen following the demolition of the two homes and the construction of the new QuikTrip.

They were in a situation where customer demands were such that they needed to be able to reconfigure the site and provide for more parking as well as to construct the new QuikTrip Generation III store. In the neighborhood meeting on Saturday, one of the comments from one of the neighbors was why didn't they abandon the site, close the QuikTrip because they had just built a store about $\frac{3}{4}$ of a mile away at State Line and Carondolet; that was not the answer for them because they had a customer demand there for both stores. They didn't feel that abandoning the store would do any benefit to the area either by boarding up a current, successful business and just abandoning it. They were trying to create as little impact as possible given the fact that the only place they had to expand was to the west and they were very sensitive to needing to make sure that the screening and buffering would create as little impact as possible for the remaining homeowners along Washington Street.

They were in agreement with all of the conditions contained in the staff report and would be happy to respond to questions that got raised during the testimony by the neighbors.

Commissioner May asked about the property they would be acquiring; she assumed that the owners were willing to sell?

Ms. Jensen responded yes they were under contract.

Commissioner Martin asked if there were residences to the north of their property.

Ms. Jensen answered yes.

Commissioner Martin asked if there was some sort of buffering along that north edge.

Ms. Jensen answered both landscaping and fencing. During conversations on Saturday with the homeowners, their focus was on QuikTrip paying them some kind of compensation for what they perceived as the loss of value of their homes. She kept trying to say they were willing to work further on landscaping, buffering and screening if they had some issues; at one point in time one of the owners said they had no issue with the landscaping planned for the property. One of the homeowners told her that right now she could see headlights going through the existing fence and she didn't think the shadow box fence would take care of that; she requested for her to send pictures which she said she would do showing where the headlights were going through the fence, and had not received anything. They would continue working in terms of fencing, buffering and screening; they did not believe that by QuikTrip moving their store back a little bit it would create any greater impact than what already existed. They didn't believe that QuikTrip would result in decreasing their property values.

Commissioner Martin asked if the deliveries would be made to the west.

Ms. Jensen answered yes at the back of the store. One of the things that it allowed was that the trucks could come from Wornall Road and circulate through the site; right now they had to unload and then back up into the area where people were getting gas; the new construction would allow for whole circulation around the store.

Commissioner Archie stated that it seemed like a couple of years ago they were adding...

Ms. Jensen stated that the store was first constructed in 1997; in 2002, pumps were added; in 2009, pumps were added; they were not increasing the number of pumps; they had to be able to accommodate the current business model of QuikTrip which was seeing the day when they had less gas dependency and more products inside the door. She thought there would be limited activity behind the building, it would be employees who parked at the back to go into the store and then it would be when trucks come in to delivery products.

Commissioner Archie asked what was the change of distance between the first residence on the west end; after the two are gone would the distance be greater between the first residences.

Vice Chair Krum responded she said that the fence would be at the same frontage as the existing house.

Ms. Jensen stated it would increase because right now they were pretty close to the back of the existing residence.

Vice Chair Krum asked not in reference to the case, but the evolution of the QuikTrip business model, it seemed like there were a number of stores that were going to have to be boarded up and abandoned. Did they envision migrating all of those stores over time and if there wasn't sufficient room to expand them then abandon the sites.

Mr. Brooks stated QuikTrip would not abandon sites; they sold their stores back as an investment; they didn't actually own those sites; they worked with investors, they had a group of investors so he could say they would buy back that property and sell it themselves. Their goal

was to revitalize the current site; the Main Street site probably did not have enough space to do that. Some of those locations that they were looking for and Main Street was one of them, they had been looking at Southwest Boulevard, 33rd and Southwest Trafficway; there were several in the midtown area, those were all examples of where they were trying to expand. Their preferred option was to expand on site; sometimes they did have to move but they didn't want to leave an empty shell of a building that was not their goal.

Commissioner Archie stated but with the one on Main they were getting a kitchen.

Ms. Jensen stated and the Main Street store was a good example of a controversial project because it was very controversial when it was approved; and now years later, the neighbors were saying why wasn't built bigger.

Vice Chair Krum said that staff indicated during the presentation that the existing store would remain open during construction; could it be explained how that was going to happen if they were going to overlap.

Mr. Brooks stated that part of the old building would be removed during that and they would construct the new store; some of the products in the existing store would be limited.

Vice Chair Krum opened up the discussion to the public.

Mr. Garrett Nelson, 10201 Washington Street; he would like to give an earth shattering testimony that would make the Commission change their minds; he wasn't sure exactly what that would be; but it was where their life was. They said it wouldn't affect their property values; he was a licensed real estate broker and when anything like that happened he had to give notice to the seller, that seller understood that the law required disclosure of any material defects known to the seller to the property to the prospective buyers; the failure to do so may result in a civil liability for damages. He would like to know what formula they used; was there a formula that said it was not detrimental. Any condition or proposed change in the neighborhood or surrounding area or having received any notice of such; and they all received notice, so by law they had to disclose that. He could go through hours of testimony, he read what QuikTrip did; everyone said they were a good company, but they were encroaching. He believed the plan, if it went through, the property was currently developed as two-single families and the plan said subject to the approved plan and recommended conditions the property be rezoned was not expected to detrimentally affect nearby properties; how did they come with that. What was the formula?

He had a couple of letters from people that had asked him to speak for them because they couldn't be there; first one was from Jackie Lancaster and lived at 10208 Washington which was directly across the street from the one that was under contract for QT. "I have lived in that house for one year with my 7-year old daughter. One of the main reasons she purchased her home was it was located at a dead end and what appeared to be a quiet block and she loved it because of the way the block had a family feel to it. After hearing of QuikTrip's plan he spoke with a real estate agent that he should expect between 30% to 40% of the total value of his home's worth if QuikTrip was granted the right to rezone and expand; that was simply unacceptable. The only

one benefiting from this situation is QuikTrip and the rest of the resident on the street are being bullied and being forced what QuikTrip believes they are entitled to. His title Report said it was a residential street and there was no amount of fence, trees or barriers by QuikTrip to make that a reality if they were allowed to destroy 25% of the street; please don't allow it to happen, please consider what they would want to look at when looking outside".

The next letter was from Center Planning and Develop Council "Honorable Members of the Commission. Center Planning and Develop Council is always concerned about commercial encroachment into residential areas such as proposed by the QuikTrip Store addition at 102nd and Wornell. Should the rezoning be approved, Center Planning and Develop Council agreed with all the conditions recommended by the City staff. In addition, everything possible should be done to protect the neighborhood to limit the erosion of adjacent properties. Most of us around the surrounding area are aware of the traffic and accidents that occur. A traffic study is justified and recommended".

He watched a lot of Channel 2; seemed like they were fighting a battle and they needed some friends to fight the best lawyers money could buy; they were battling a giant corporation and they were being bullied. They were expected to take it. They could go all through the plan but his main thing was some of the arbitrary things. First of all, 88-515-08-8; the gain if any to the public health, safety and welfare do to denial of the application as to compared to the hardship imposed upon the landowner. Denial of the application would prevent the development of the site as shown on the proposed development plan. He wanted to know what the public gained to their health, safety and welfare with the rezoning.

The flood plain was another issue; that area had been through 5 floods; there had been no storm drainage study done, there had been no traffic study done, no land disturbance done, and no social/economic impact study done, if there was, he hadn't seen it. Tell them those things.

They hadn't answered any questions about demolition. Were they going to have trucks running up and down those streets all the time now? Ms. Jensen left out part of what they talked about on Saturday; they didn't want it, she said it was about wanting compensation, they didn't want it. If they had to eat it and apparently it looked like they were going to have to because they got the best lawyers, they had money; they didn't have that; so if they had to eat it, they should get a little bit of something. As a real estate broker once it moved in, all those houses were be good for would be rental property, possible investments; but investors only would want to pay 1/2 of what they were worth.

One other thing that he had been deceived by those people and he found out last night was that they said they don't plan any more gas pumps. Their employees there told him last night that they planned about 8 more gas pumps; nothing had come up about the new underground storage tanks they would put in and being in a flood zone; they needed this to be stopped, they needed some friends; was the Commission going to make a decision based on this report, with incomplete information; he knew this would probably end in litigation maybe, and that's what they may have to do; he would like for Mr. Rexwinkle to tell the formula used when they said "it is unexpected to detrimentally affect the nearby properties"?

They were slowly taking more and more so it looked like nothing egregious was going on; look at the various history of small requests; it was originally designed to be a small fuel station with a Hardee's restaurant; now they were proposing a superstation of almost 600 square feet of retail space and 100 parking spaces and if that wasn't a detriment to the surrounding residential properties.

When was enough, enough? Did they want to take the whole block; then buy the whole block? They were opposed to the rezoning, they didn't want it at all but they hadn't been offered any solutions on what would make them happy. They were asking, pleading and begging do not allow it to happen. They could talk about all of the negatives, the issues of safety, there was the transients but show one positive.

Ms. Gail Stevens and lived on Washington; her husband and her had been married 38 years and downsized about 9 years ago and bought their house. Washington was a street that had 4 houses on one side and 4 on the other; QuikTrip wanted to buy 2 on the east which was 50% of that street and 25% of the block so she was not very happy. She was very concerned about the flooding; she didn't want to go on and on with all the things that Gary talked about but she was concerned about the flooding. She knew it was mandatory that they did a drainage survey which evidently they did that when they first put the QuikTrip in but it didn't solve the problem of 103rd Street flooding 5 times and her house 3 years ago. She didn't know what all of that was going to do.

The other thing she wanted to talk about; she had so many concerns a few that Gary didn't touch on; their street was a quiet dead end street and a family environment, grandkids interact with the neighbors across the street and they ride the bikes and when she would look across the street, what would she see? She would see trees and that was supposed to make it better; she didn't think so. She thought QuikTrip needed to stop; if it had been 3 or 4 times that they had already expanded it's got to be stopped at some time so why not now.

She also talked about the property value; how could it be said taking away two houses, 50% of that block, didn't hurt the property value; her house was on the market, they thought maybe they should sell it and get out while they could and wouldn't take much of a loss. After two months being on the market, the only feedback they were getting was that it was too close to QuikTrip; they thought what would happen if QuikTrip was closer so after two months on the market, QuikTrip decided to submit their plans and they would have to disclose what was going on with QuikTrip so they had no choice but to take their house off the market.

They said that construction would not start until spring time and then it would take 6 months; but one of the houses was being closed on December the other one in January; so what happened with those two houses being vacant until they start construction in the spring time; it seemed like a big mess and it would be much longer than 6 months.

They already had so much traffic down the dead end street now, she didn't know if people thought it was a cut through or if they could get to QuikTrip, but they had at least 20 cars a day and 10 of those cars turned around at the beginning of the street halfway down the block and the

other 10 turned around at the driveway at the bottom of the street and there was no longer to be driveways for those cars to turn around at.

Ms. Mary Allentardi, 10209 Washington lived right behind QuikTrip; she was one of the houses that would be demolished. She purchased it in 2006 from the owner; she voided the contract to allow QuikTrip to purchase it. She believed the two houses should be demolished because they lived right behind the tanks, right behind the dumpster and to have those trees and a fence built would be a lot better for no one to be living behind it. There were a lot of problems going on right now because of the people not wanting them to sell, etc. She just wanted to say that she thought the trees and everything sounded beautiful, it was by the creek; she was behind QuikTrip 100%. She didn't think anyone should have houses right directly behind it and she thought it would be an improvement; she was not in agreement with the other people, but they had their opinion and she had hers.

Ms. Jensen stated they were certainly aware that it was an emotional issue for the remaining homeowners along Washington. The flooding issues that had been referred to had nothing to do with the existing QuikTrip store in the area; there was a general, overall flooding issue and that was why their houses were in a flood plain along Indian Creek. As a part of the development of the store they were required by the staff's conditions to do a storm drainage study. The storm drainage study had to show that their improvements were not going to increase issues on how water ran off the property. It could be that the City staff in its professional engineering opinion determined it might be best if their water went out quicker from the site to get down to the Creek so it went away further before the rest of the water came in along and went into the Creek and they may be required to make some type of payment for the storm drainage and the water runoff issues which they would be discussing with staff and be willing to do as the storm drainage study in figuring out what the best way was to control the storm water runoff from the site.

The second issue that dealt with underground tanks; she didn't know, yet, if there would be new underground tanks in the area. They were looking at whether or not they just maintained what existed and there was no plan and she didn't think for the future there were plans to provide additional gas pumps on the site. Looking at the site plan, there was really no room to put in any additional gas pumps. If they did at some point in time find some area to put additional gas pumps they would be required to come back to the City and ask for approval.

During the meeting on Saturday, the neighbors kept telling them about a transient problem that they had. It appeared there might be some type of camp, a homeless camp, in the Indian Creek Greenway area on City property. She believed the City could certainly address that issue as they had with a number of homeless camps throughout the City. QuikTrip maintained very good security; she didn't think anybody would ever complain about QuikTrip security or their maintenance of their properties or littering caused by the QuikTrip; the employees were there to maintain the property all the time and they picked up any trash that somehow got dropped on the site.

The other issue dealt with traffic; the neighbors said that traffic came down Washington Street and turned around in their driveway; she didn't know if that was attributable to the QuikTrip store but following the meeting they came up with a couple of ideas that they were exploring.

One, she didn't know if there was a sign at the end of Washington that said it was not a through street. She thought it could be as simple as putting a sign up. There was also the possibility if they could actually construct a turnaround at the end of Washington so people didn't have to back up into driveways to turnaround when somehow they turned and found out it wasn't a through street.

Again, this was a business and very good corporate citizen in the City that needed to be able to expand; they were very sensitive to it and they would continue working with staff as they screened and buffered the area from the existing homes on Washington. They requested that the Commission would recommend approval.

Commissioner Van Zandt asked of those 8 properties on Washington Street; how many were home owner occupied and how many of those were considered or used for rental property.

Ms. Jensen answered she didn't know, but she did know there was one property owned by a company, she didn't know if there was anybody living in that property, it certainly looked well kept. She pointed to two other properties that were owner occupied; and two more and an additional property that were also.

Commissioner Archie asked about the lot on the other side of the fence; did that go straight into backyards.

Ms. Jensen answered yes.

Commissioner Archie asked that when QuikTrip purchased the properties, who would be cleaning that space.

Ms. Jensen responded QuikTrip would.

Commissioner Archie stated there was a sign at the end of Washington that said "No Outlet"; he didn't know if there could be more done.

Ms. Jensen stated they were certainly willing to explore that.

Commissioner May stated she appreciated their covering the issue of the additional pumps and she knew they would have to come back before the Commission for additional pumps, but she was wondering if they should have that in writing so it was expressly shown that they had said that they were not going to add additional pumps. Another was could they show the flood plain? Was QuikTrip's property in the flood plain?

Ms. Jensen said yes.

Mr. Rexwinkler showed it on the map.

Commissioner May made a comment about the homeless camp that there was some proactivity in that regard; if there was one there that whoever was responsible for taking charge that they

were aware that it was a problem; or at least to check to see. Finally, her question was related to the vacant houses; they were going to be acquired in December and January, could they clarify when construction would begin and secondly, what they would be doing with those vacant houses because vacant houses were indeed a problem.

Mr. Brooks answered they were definitely open to doing whatever was needed with those houses; as soon as they acquired those houses and if they were to be torn down immediately, that was what they would do; they were open to suggestions. They didn't want those houses to sit; they would take them down immediately. Of course they would secure the houses; and their plan was to start construction in the spring; they had no plans to leave the houses up anyway so they would take them down immediately. If it was such a concern, they were happy to work with the neighbors or the City on a resolution to it.

Vice Chair Krum said it was a very difficult case; he had been a customer and fan of QuikTrip and they run a very admiral business and generally an asset to the communities in which their stores were located. His colleagues on the Commission know that generally he was a supporter of responsible development; on the other hand, he was troubled by the spot rezoning that was being requested. In reviewing the record, it was 18 years ago the Plan Commission and the Council approved a 3,910 foot convenience store with gas pumps; 6 years later, they approved the addition of 4 more pumps, 6 years later they approved the addition of 2 more pumps; 5 years later, today, they were being asked to approve the demolition of 3900 square foot store and the construction of 5800 square foot and the spot rezoning of two lots on a residential street. It was very clear to him, having patronized that QuikTrip that something needed to be done. It had outgrown its site. But, he had to admit, that if he were a homeowner on Washington, he would be very upset about the proposal. Yes, there was an existing store there; they had to deal with that, but again, the spot rezoning just didn't feel like responsible development or good public policy. It seemed that QuikTrip had within its power to sit down in good faith with the remaining neighbors and work out a situation in which all parties could come out of the room satisfied; so he reluctantly would not be able to support the plan that was before them.

Commissioner May stated that it was a tough one and she agreed; but she thought that it was 6 of one and ½ dozen of the other; the traffic there and she thought what was being proposed, yes there were some issues, but in her mind it was better than what currently existed so she would support it.

Commissioner Van Zandt stated he understood that they were between a rock and a hard place there, but he would say and hoped that the neighbors would consider when asked if perhaps they should close the location, he would warn the neighbors and he was familiar with former QuikTrip locations that had done just that and they did not want that in their neighborhood. If they thought they had problems, if they thought their property values would go down, assuming they did the project if it were to come about, he could say sometimes you didn't want what you wished for; he could give many instances where that happened. He did not think that anything that would go into that location would be anywhere near as productive and they wouldn't want to see a blighted part of the City on Wornall should they decide to move. Then it would become a question for the Commission what would go in its place that would satisfy both the City and the

neighbors; and he was at a loss to figure out what that would be. He would be likely to support the project.

Commissioner Archie stated there were a couple of things; the spot zoning was not comfortable because of what would it leave if QuikTrip decided to leave even 20 years from now; that was something that he felt uncomfortable about. There were some things he thought were beneficial, first in moving the store, even though expanding, they were moving the store further from the closest resident so actually creating a greater distance between the store and the residences. If the park area was taken care of he thought it would be beneficial overall. He didn't know what to lean toward when it came to the property value, he didn't know enough about it. He leaned more towards supporting it but with a heavy heart; not necessarily because he thought it was wrong, but because the people who lived there were having a hard time with the transition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 4613-P-11 WITHOUT CONDITIONS:**

Motion carried 5-1

VOTING AYE: May, Gutierrez, Archie, Martin and Van Zandt
VOTING NAY: Krum
ABSENT: Baker-Hughes and Macy

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 4613-P-12 SUBJECT TO THE FOLLOWING CONDITIONS:**

7. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of the plans, revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:
 - a. Revise the site data table to reflect the number of parking spaces shown on the site plan.
 - b. Entire width of both Washington St and Wornall Rd rights-of-way, including total width of right-of-way and width from centerline.
 - c. Major Street Plan classification for Wornall Rd.
 - d. Properties on opposite sides of each street including their access points and off-set dimensions between access points.
 - e. Existing conditions on surrounding property within 500 ft including property lines, lot numbers, zoning and use.
 - f. Setbacks from proposed building to the south, west and north property lines.
 - g. Setbacks from proposed vehicular use areas to all property lines.
 - h. All retaining walls, including whether existing or proposed, their height and material.
 - i. All features to be retained (such as landscaping) labeled as such.
 - j. A revised photometric study showing a point by point illumination array along all property lines, including the west and north property line, and demonstrating compliance with 88-430 including a footcandle measurement not to exceed 0.18 at all residential property lines and right-of-way lines.

- k. Fencing note on Sheet 1 revised to state proper fence height of 8 ft consistent with other plan sheets.
- l. A revised landscape plan providing additional interior parking lot landscaping in compliance with 88-425-06.
- m. A revised landscape plan table to properly reference the locations of the proposed shadowbox fence.
- n. A revised landscape plan providing the proper length of street frontages along Wornall Rd and Washington St and to provide the proper quantity of landscaping commensurate with the proper length of street frontages as required by 88-425-05.
- o. A revised landscape plan providing a mixture of evergreen tree species in lieu of all white pine within the landscape buffer along the west side of the property.
- p. A revised sign plan to reduce the area of the sign on the north-facing fascia of the gas canopy such that its area is equal to or less than 10% of the area of the north-facing fascia, in compliance with 88-445-07.

The following conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at brett.cox@kcmo.org or 816 513-2509 for more information.

- q. Delineate proposed disturbance or site improvement total area.
 - r. Show full extents of the plat and adjacent infrastructure important to this development (200 feet minimum), particularly sewers, sidewalks, ADA ramps, curb and gutter, etc.
 - s. Show the limits of the 100-year floodplain on the development plan.
 - t. Provide sidewalk access from the "Stairs to Park" to store as shown in existing conditions.
- 8. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
 - 9. The developer must submit a detailed Micro storm drainage study in general compliance with adopted standards, including a BMP level of service analysis for any disturbance area of redevelopment (not including maintenance of existing impervious surfaces), consisting at a minimum of a Missouri Licensed Civil Engineer sealed study analyzing and stating that the proposed improvements will not alter or increase historical (existing) runoff conditions (patterns, flow rates, or volume) for the site post construction, showing that any proposed enclosed conveyance system provides separation of storm and sanitary sewer flows and extension to appropriate connection points to the existing city sewers with hydraulic analysis provided to verify adequacy of connection, and phasing of improvements to the Land Development Division prior to approval and issuance of any building or site permits (including demolition), and that the developer secure permits to construct any improvements as required by the Land Development Division to address impacts for the redevelopment.
 - 10. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
 - 11. The developer must submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public

Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

12. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
13. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
14. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
15. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.
16. The developer must show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.

Motion carried 5-1

VOTING AYE: May, Gutierrez, Archie, Martin and Van Zandt
VOTING NAY: Krum
ABSENT: Baker-Hughes and Macy

RE: a) **Case No. 10694-P-25**
b) **Case No. 14504-UR**

APPLICANT/ OWNER: Hunt Midwest Real Estate Development, Inc.
8300 NE Underground Drive
Kansas City, MO 64161

AGENT: James C. Bowers, Jr. c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

LOCATION: Generally bounded by the city limits of Claycomo, Liberty and Birmingham on the north and east, Missouri Highway 210 on the south and Worlds of Fun/ I-435 on the west.

AREA: a) 1,128 acres
b) 572 acres above ground and 375 subterranean.

REQUESTS:

- a) Case No. 10694-P-25-** To consider a request to amend a previously approved Chapter 80 Preliminary Development plan in District M-2a-p/US (Heavy Industry - Limited District/Underground Space), to delete about 417 acres from the existing plan.
- b) Case No. 14504-UR -** To consider rezoning the 572 acre parcel from District R-80, (Residential dash 80), District R-80/ US, (Residential dash 80/ Underground Space) and District M1-5, (Manufacturing 1 dash 5/ Underground Space) to District UR/ US (Urban Redevelopment/ Underground Space).

Commissioner Gutierrez left the meeting at 1:07 p.m.

Mr. Olofu Agbaji, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Mr. Jim Bowers began; he was with the White Goss Bowers Law Firm; Mr. David Matthews of Lutjen, Inc.; and Ms. Ora Reynolds, President of Hunt Midwest.

Hunt Midwest was the owner and the developer about 15,000 acres that was located east of I-435 and north of M-210 Highways; they intersected at the southwest corner of the property. Their property also extended slightly to the west side of I-435, but that was not the subject of the application. They also had property north of the applications which was not subject of the applications. The existing Hunt Midwest Park had been in operation since 2000; and it was reaching the point at which it would be complete in the very near future. The Hunt Midwest Park was supported by the (inaudible) Oak Tax Increment Finance Plan and it was approved in 2000 and had been in process since then.

The purpose of the two applications was two things; one was to delete about 417 acres from the existing Hunt Midwest Business Park Plan and include it in a new tax increment finance plan that would be approved for the 570 acres on the surface to the north of the plan which would encompass 375 acres underground. Both of those developments would be immediately adjacent and north of the Hunt Midwest Business Park which was on the surface of the property and the subropolis development which was underground. Both had been in operation since the year 2000. For the last 12-years they had quite a bit of experience in what was likely to happen in the area, what the traffic patterns were and related issues.

Ms. Reynolds was there to speak in general about the overview of the project and the surrounding area as well as Hunt Midwest's perspective on the project and how it related to the applications that were before them today. The first part of the presentation would be Ms. Reynolds, and he would pick up the presentation and close it out and they would be able to

answer any questions. There were a number of people there on behalf of Hunt Midwest who were available to testify.

Ms. Ora Reynolds, President of Hunt Midwest, 8300 NE Underground Drive, Kansas City, Missouri; she appreciated all the effort from staff and they made a wonderful presentation; the planning staff actually had an opportunity to come to their underground business park to see what they were doing right now and to get a better feel for what was happening.

As Jim had mentioned, they had been doing business in the City, through predecessor companies and had been in the TIFF area since 2000. What they were trying to do now was to leverage the existing activity and to leverage the location which they believed was very strategic and probably not another location like it.

She went to the easels to explain the layout and the reasons for the layout of the development.

She demonstrated where the TIFF area was and where the underground was; she demonstrated where the major highways were, the City of Claycomo, City of Liberty and City of Burlingham; they were packaged in between all of those areas. What was really important in the area was the highways and interchanges and that was what made it very strategic. There was a lot of going on at the Ford place from a daily standpoint as well as an economic development standpoint. The 435 and 210 Interchange was going to become a diverging hub; it would be widened to 4-lanes and was under construction right now.

The thing that was most strategic about the property was the interchanges; the other thing was the Ford Plant. They had read about the billions of dollars being invested in the F150 which was the top selling truck and then the Escape would move it to Louisville; the state came in and asked what would happen and Ford said they would make the "Transent" which was basically European Econo-Line so it was a commercial van that can be tricked out and customized into everything from a utility vehicles for contractors to shuttles, to limos to ambulances to pretty much anything. The other piece of it was the FedEx Ground facility (the last stop for shipping) was being expanded right now and it was in the same area.

In general, Hunt Midwest Business Center, had 126 acres left and it was currently under development and they would have roads by spring/summer by 2015. Right now they were thinking how they could take the development to the next phase in a location that was real strategic. The other piece of it was their neighbors; they had been talking about their business neighbors but now she wanted to talk about their residential neighbors; and pointing to the map she showed the residential areas. They were going to cut their development by the creek and stop it there so they would not be intrusive on the neighbors; they had had multi-agreements with the community council over the years as it related to what they had done. Everything in those agreements was going to be lived up to and there were no plans to change any of those agreements or take anything out.

Their goal there was to continue the momentum that they had created in the Business Park and continue to grow that and with where they were now they competed every single day especially

with automotive especially with Riverside, with Liberty and with Kansas and with a quality product there they could compete and increase the tax base.

Mr. Bowers went through the rest of the slides; showing the Phase I development proposed that was part of the project and Hunt Midwest would invest approximately 10 million dollars of private funds to extend North Arlington to the western edge of Phase I as well as put in the storm water improvements that were shown on the plan; the green area showed open space that would continue to be green space; the blue area was where the detention would be located; the beige area was part of Phase I that would be developed. The initial risk would be all Midwest's; there would be no bonds sold on the project it would all be TIFF.

Phase II on the next slide would be to the west of Phase I and would build on the improvements that had been constructed for Phase I. There would also be onsite improvements for Phase II depending on who the users were.

Phase III was immediately to the north and there was an extension of the open space to the north adjacent to the stream; also Arlington would be extended further to the west as part of the Phase III development. They believed the first 3 phases would take approximately 10 years to complete.

Phase IV was to the south; it would work off the existing Kentucky immediately to the south and was constructed; it would extend Kentucky north and would eventually up to 48th Street to connect Parvin through Kentucky to 48th Street.

The final development phase would be Phase V; the dark brown area was where the new portal or opening would be to the underground space to provide adequate air and access to that portion of the in ground space; there would be no additional blasting or mining required; all the underground space existed in raw condition today; all mining activities at that level had been completed. As part of the final phase, would be the construction of the additional widening of 48th Street to connect it back to I-435.

In conclusion, they had reviewed the staff report with the 26 conditions recommended and they accepted the staff report and those revised 26 conditions and they were asking their support and affirm the staff's recommendation to let two things happen; that the existing plan be amended by 417 acres and the 572 acres plus the 375 underground acres be rezoned.

Vice Chair Krum opened up the discussion to the public.

Mr. David Hawk, 8177 NE 51st Street, Kansas City, Missouri; he would like to commend Hunt Midwest for working closely with their neighborhood to work on some issues they had; they were about there on their concerns.

Vice Chair stated it looked like a very ambitious project, they had a track record and detailed presentation.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 10694-P-25 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That four (4) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), be submitted to Development Management staff, prior to issuance of building permit.
2. Conditions of Ordinance No. 020317, passed by City Council on April 11, 2002, still apply to the remainder of the development plan (Case No. 10694-P-25).

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 14504-UR SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
 - a. Provide an overall development data similar to the existing development plan on the face of this plan to ensure consistent development.
 - b. Outdoor advertising signs (billboards) are prohibited on face of the plan.
 - c. Proposed phasing dates and timelines on development data.
 - d. When NE 48th Street located between Phase 3 and Phase 5 will be constructed.
 - e. Tie the two future basins located between Phase 3 and Phase 5 each to a phase.

Conditions 2. & 5. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

2. That the developer revise the development data to provide the same information shown on the current approved plan to ensure a consistent development.
3. That the developer submit preliminary plat for each phase of the development prior to approval of a final UR plan and issuance of a Building Permit.
4. That the developer secure the approval of the Street Naming Committee for all street names within the entire UR Plan area prior to submittal of the first final plat.
5. The developer shall submit a final UR Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final UR Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii)

fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

Conditions 6. - 25. per City Planning & Development, Land Development Division (Brett Cox, Brett.Cox@kcmo.org)

6. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
7. The developer must submit a Macro "Overall" storm drainage study for the entire development to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, to be submitted for each phase at the time of final platting, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat.
8. The developer must dedicate right of way for N Arlington Ave and NE 48th Street as required by Chapter 88 so as to provide a minimum of 30 feet of right of way as measured from the centerline of the roads, along those areas being platted.
9. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
10. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
11. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
12. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
13. The developer must construct temporary off-site cul-de-sacs as required by the Land Development Division.
14. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

15. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
16. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
17. That any stream buffer zones are delineated by submitting a preliminary buffer plan prior to approval of the Preliminary Plat in accordance with the Section 88-415 requirements.
18. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.
19. The developer must show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.
20. The developer must grant on City approved forms, BMP and STREAM BUFFER Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
21. The developer must submit a City Standard Covenant for Maintenance Agreement to the City for any shared Quantity and Quality Mitigation improvements located within separate tracts, as required by the Land Development Division, prior to issuance of any permit to construct said improvement and recording of a final plat containing such facilities, or issuance of building permits, whichever occurs first.
22. The developer must submit a final stream buffer plan, prepared in accordance with Section 88-415, for review and acceptance by the Land Development Division, with the final plat application, and prior to building permit issuance, whichever occurs first.
23. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract (or stream buffer easement), as required by the Land Development Division.
24. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

Condition 26. & 27. per Public Works Department (Wei Sun, Wei.Sun@kcmo.org)

25. The developer has agreed with all new improvements contained in the final report of the related traffic study.
26. The case will be not presented to the City's Planning, Zoning, & Economic Development Committee before the related traffic study is accepted by Public works.

Motion carried 5-0

VOTING AYE: May, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes, Gutierrez and Macy

RE: a) **Case No. 686-S-1**
b) **Case No. 14506-MPD**

APPLICANT: A.G. Spanos Companies
8005 West 110TH Street #210
Overland Park, KS 66210

PROPERTY OWNER: Margaret E. Jenkins, et al
7955 N. Childress
Parkville, MO 64152

REPRESENTATIVE: Patricia R. Jensen, Esq. c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

AREA/LOCATION: About 32 acres generally located at the southeast corner of NW 64th Street and N. Klamm Road

REQUEST: a) **Case No. 686-S-1--** Amending the Line Creek Valley Area Plan for an area generally located at the southeast corner of NW 64th Street and N. Klamm Road by changing the recommended land use on the Future Land Use Map in its entirety at this location from "Office" to "Residential Medium High" and further adding this category to the map.

b) **Case No. 14506-MPD --** to consider rezoning from District R-80 (Residential dash 80) to District MPD (Master Planned Development) and approval of a development plan that serves as a Preliminary Plat for 7 apartment buildings and clubhouse with a total of 291 dwelling units on one lot.

Mr. John Eckardt, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Vice Chair Krum asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm, 4510 Belleview there on behalf of the Spanos Corporation; with her representing the Spanos Corporation was Jennifer McHuren (sic) and Megan Walter; and the construction manager for the Spanos Corporation. She didn't know how many of them were familiar with the Spanos Corporation, they developed very high quality residential housing and primarily, so far, they had worked in Johnson County, Kansas developing products called Corbin Greens in Overland Park; Corbin Crossing; and The Fairways in Overland Park. They developed housing along the south side of 152 adjacent, driving into Liberty near the Mosaic Life Care Center called Cardarella Ranch which was a very high quality project and the Commission had recently approved, the Shoal Creek Plan where they were actively constructing housing at the corner of Shoal Creek and 152, the southeast corner.

They were pleased today to be there before the Commission and as John indicated, the site was in Kansas City, Missouri although it was adjacent to Parkville and it was a tough site to develop because of the streams in that area. As they could see, they were leaving most of the eastern part of the site undeveloped and developing the housing in the western portion. She had a power point presentation but she didn't want to prolong it there; so she was going to key in on their issues with regards to the conditions and then she knew there were some individuals from Riss Lake in Parkville who had some testimony and they could respond to those concerns.

Previously, they were in agreement with all of the conditions; there had been some conditions added since the last time the staff report was prepared that they had some issues with. Looking at page 9 of the staff report, 1(j) stated : "Include a note on the plan stating: "The developer accepts the responsibility for the maintenance of the west approach of proposed N Klamm Road for its entire frontage, as required by . . . 64-243 of the City Code." She was going to hand out what was 64-243 of the City Code; and it was really geared toward who was responsible for maintaining the wall bearing side as it went down, not the area butting Tract A, because they certainly would own that property so they would be responsible for both sides; but it imposed an additional obligation beyond what was required in the Code that the property owner maintained the gutters, there were no sidewalks up through there, the gutters, and maybe grass but it really did speak to grass on the western side and the street trees that got planted there. They were required, pursuant to the plat that would get recorded to put up a two-year maintenance bond on those improvements; they didn't believe that obligation should be imposed on them. As John stated, Klamm was being developed as a collector street for more than just their traffic. The City anticipated that it would be a good north-south connection for that property that would get developed to the south; they didn't believe that the staff or the City should be imposing additional obligations beyond what the Code required.

On (k) they were okay with that condition; that dealt with relocating the dumpster at the south side of Building 1 to more interior of the project; they had the possibility that they could put the dumpster from there over to there (pointing at plan) or they could create four different locations within the site; they were willing to do that and they were fine with that condition.

In addition, (l) stated “moving Building 1 to the east point no closer to proposed N Klamm Road than the proposed clubhouse”; which requested a 50 foot movement to the east. That building was already 63 feet from the proposed right of way line which meant that in addition to the right of way it would be more than 120 feet back from the City property line. The Zoning Ordinance only required on multi-family developments a 20 foot setback; they could move it to the east some, they couldn’t move it all the way over 50 feet. It created larger retaining walls for them, which could have some fire impact on access to the building and also ended up, just from a planning point view, she would term it as “squishing” all those buildings together. They could move it 20 feet, so they would request that (l) be revised to say “move Building 1 20 feet to the east”.

On (m), John had identified that it should be natural lime stone around Tract A; they would like some flexibility as they finalize those plans according to the revisions he had asked to delete (m) and instead change (n) to say “identify the material for the site retaining walls” and then insert “and the proposed retaining wall around Tract A” and “show a detail with materials agreed upon by Development Management staff”. John’s already said he was going to tell them natural lime stone, but they would like the ability to determine if it would be best to present a little bit different product; they had to engineer those walls so they needed to make sure everything worked.

They were fine with (o). Then the additional condition that John had handed out or the consolidated condition; the reason was that they had 3 different conditions requiring right of way dedication for Klamm; stated a little bit differently, but one of the things she wanted was one condition stating what their right of way dedication was for Klamm, and likewise they had 3 different conditions dealing with the improvements of Klamm; now they had the revised #6 that dealt with all of the improvements of Klamm.

They did a traffic study and that traffic study had been accepted by both the Missouri Department of Transportation as well as the Public Works Department; they worked with the Public Works Development Department to identify the scope of the traffic study and that study was done accordingly; but Riss Lake neighbors had stated that they had some issue turning north on Klamm as they were headed east bound on 45 when it came to school time, she didn’t believe their traffic was going to impact that; they had done some additional traffic counts which they would provide in an analysis to the Public Works Department.

She was going to stop her remarks and let the neighbors talk and then they could respond.

Vice Chair Krum opened up the discussion to the public.

Mr. Don Julien, a developer of the property to the west which was Riss Lake Subdivision with about 800 residential lots. In reference to the comments that were made, he could think of one thing just to keep the overall concept in mind, those apartment buildings were about 65 feet tall, and would be something like the back wall of the room there, taller than that and the closest building that they were talking about that they had recommended they move 50 feet to the east, would be about 130 feet from that back wall; picturing that, it wasn’t too far passed the back of

the room; being a resident living in one of those homes in Riss Lake and looking out, that was basically what you were going to see as far as a lighted building 130 feet away. His recommendation would be that building slide to the east, and of course he was a developer so he was aware of the topography and it was a difficult site, he would admit that; moving that building 50 feet to the east would align it up with the existing club house building which would give another 50 feet of distance which would help alleviate the feeling of the building jammed right up against the back of Riss Subdivision.

Along with that, in talking to John Eckardt last week, they also determined, based on where they were proposing to put Klamm Rd. the distance between the edge of that curb or concrete on the edge of Klamm Rd. and the edge of the Kansas City, Missouri property was about 12 feet; so in that 12 feet what they were proposing was in some places along there, they would have a retaining wall which was about 9 to 10 feet high; picturing that new road with city trees on both sides, and then the shoulder then an 8 to 10 feet retaining wall built out of whatever they were going to suggest, he suggested lime stone rock which would match the Tuilleries and Burlington Creek, he didn't see how they could do it in that narrow space without moving the whole Klamm Rd. further east; in his opinion, it was physically impossible to build an 8 to 10 feet high retaining wall and then if they built it he would imagine they would put some kind of safety rail on top of it otherwise walking out the back of those lots on Riss Lake, there would be an 8 to 10 feet drop down to the new road. It looked to him like some additional work needed to be done his engineer was there, Steve Warger, and he had done some research on it. From a developer's standpoint, he had been on both sides of the table, so he certainly understood the proposal because if moving the project to the east it would be down in a lower area and would make it more difficult with retaining walls, but to put the road as close as they had to Riss Lake property, which was basically the right of way; if the 60 foot right of way started on the edge of Kansas City, Missouri property, and then 35 to 36 foot road in there, that would only leave 12 feet on each side and then in the 12 feet they were going to put Kansas City, Missouri street trees on that shoulder, they had to build a 10 to 12 foot retaining wall to bring up to grade at the back of those lots that now existed. They were concerned about how all that would fit together.

Also, and again he realized the topography on the site made it cost prohibitive he was not sure, but there was 63rd which was in the old Tuilleries subdivision which was now Burlington Creek, and he knew in the past it seemed like the City had criticized for not having connectivity between existing projects; in a perfect world, as a developer, he would see if the Planning Commission would like to see that 63rd Street connected to the project; if it didn't connect through there now it would never connect through; they know how it worked with development and future business. The same thing to the south, there was a proposal to stop the improvement of Klamm Rd. before getting to the end of their property and he knew deals where money was put so it could be developed in the future; basically what happened it would end up with weeds and the end of an old asphalt road which was basically not much more than a driveway proceeding south to the next property. He was assuming at some point all of those properties would be developed and all tied together. He had a subdivision behind the Tuilleries, Forest Ridge, and all of that at some point it would all connect in. He just wondered at what point was the City going to make a stand and say they had the interconnection, the connectivity between a shopping center and apartment complex and with an additional 271 units it would just seem from

an overall planning standpoint for Kansas City, Missouri that should interconnect and all have connectivity.

Mr. Randy Timmerman, 7905 Parkview Drive a resident of Riss Lake and due to brevity he echoed what Don Julien just said.

Ms. Jensen stated as Mr. Julien noted the stream buffer really prevented that connection; she was just going to give a piece of history; there used to be an agreement between Kansas City, Missouri and Parkville that those streets would connect between Parkville and Kansas City, Missouri but at one point in time Riss Lake determined that it didn't want to connect to Kansas City, Missouri so that was why all the cul-de-sacs was constructed there so there was no interconnection that occurred between Kansas City, Missouri and Parkville at that location; instead the traffic went up 45 Highway. The stream buffers were something they had to deal with and connection was not feasible there and as John stated the connection would occur going further south on 56th Street.

Again, they didn't believe they could move the full 50 feet; they believed they could get 20 feet and that would make their set back from 63 feet to 83 feet which was almost 4x what would be required in a typical multi-family housing district in Kansas City, Missouri.

Vice Chair Krum stated that on that point, she used a term of art of "squishing", in looking at the relationship of the building on the other side of the clubhouse to the east of that, those appeared to be much more squished than even would be the case if the building was re-oriented all the way 50 feet to the east; he was having trouble understanding her logic.

Ms. Jensen stated it would eliminate some of the green space that existed internally and along the parking area, Megan could talk a little more about that; but the retaining wall that was there on the south side of the building would have to increase in height and they were trying to leave it where it was at in terms of height.

Ms. Walters stated it wasn't necessarily the relationship the buildings even though it was taken into account; but it was the relationship between the upper level of buildings and lower levels of buildings. Those buildings were split so the front was 12 feet higher than the back; that helped with the grading but the lower road around the outside was a lower elevation than in the middle; when she looked at that she needed a much taller receding wall if they moved that building to the east.

Vice Chair Krum stated well it could be done, it just meant they would spend more money in a bigger retaining wall.

Ms. Jensen said it meant a bigger retaining wall; which they didn't think was the best for the property. They already exceeded the requirements for setbacks there. Part of the issue was looking along Riss Lake at those back yards they didn't have much of a back yard built up; they pretty much abut the plan. That was pretty much it; but existing Klamm was difficult, their proposed construction plan was difficult to develop there would be points along Klamm where there were retaining walls above Klamm and points along Klamm where the retaining wall

would be below Klamm. They believed they could construct Klamm according to their development plan and put in the street trees that were required along with the retaining walls that were necessary.

Ms. Walters stated that 60 feet was the normal right of way; but they had given 65 feet there; so they actually moved Klamm 5 feet over to account for the retaining wall; it was 60 feet total, 30 feet on each side of the center line; an extra 5 feet on the west side.

Ms. Jensen stated that right now Klamm existed half in Kansas City, Missouri and half in the city limits of Parkville. They were sliding the entire road over so it was all within Kansas City, Missouri; and what they would do was work with Parkville to remove the existing pavement in Parkville and put in some green space area. Parkville City staff had talked to those homeowners of the possibility of vacating that portion so they would actually increase the size of their rear yard.

Commissioner Archie asked how far south they were going with Klamm.

Ms. Jensen answered that what they talked to staff about was the possibility of, and looking at the most southern entrance along Klamm, right now they had the improvements to Klamm showing along the detention area to the south and then tying into existing Klamm; staff had either talked about doing some kind of cooperative agreement where they gave them some funds for what it would cost to finish Klamm along there or finishing it to the entire south property line; they would work with that southern property owner to determine what they could do for Klamm. There would either be funds in place or Klamm would be constructed all the way up to the southern property line.

Vice Chair Krum asked about the nature of the actual apartment buildings; how many units total in the development; how many residential buildings; it would be 40+ units per building on average; so there would be 2 parking spaces per unit.

Ms. Jensen answered 291; 7 with the clubhouse; there were garages underneath the buildings so there was both garage parking, and there was carport parking and on surface parking; there was 581 parking spaces on the site.

Vice Chair Krum asked if they were a mix of sizes.

Ms. Jensen responded yes.

Vice Chair Krum asked if the tallest building was 5 floors.

Ms. Jensen answered yes.

Vice Chair Krum stated so they had elevators and parking below.

Ms. Jensen responded yes to both statements; there were garages below as seen on the elevation.

Vice Chair Krum asked if those were planned to be constructed at the same time.

Ms. Jensen stated this was a one phase project and construction would commence next April or May with the proper approvals and it would be about a 12-month construction schedule. It was really geared for people who were renters by choice; they had a housing market where people had decided they were tired of maintaining their homes, yards and their spaces around it. So they were constructing a high-end project with good amenities so people could choose to rent there.

Vice Chair Krum wanted to get back to the conditions and see where they could get to; he believed there were still questions between staff and applicant on some; could they identify those and discuss them quickly.

Ms. Jensen stated there were no questions on the sheets handed out to you; then 1(j);

Mr. Eckardt stated that everyone who owned a home on a roadway in Kansas City, Missouri was required to shovel their sidewalk, and if the sidewalk degraded they were required to repair that sidewalk, it's their responsibility although in the right of way, they had to mow the grass between the sidewalk and the curb and if the curb deflected they had to repair that curb; it was not the City's responsibility and he cited the section. The issue there that they required the roadway to go in there which they put in; but the problem was they pushed the roadway clear over to the property line so that Parkville was the neighbor that had the abutting ownership of the roadway; they couldn't ask Parkville to mow and maintain that side of the right of way, so they put in there since the roadway was put in this location, that the developer who is causing the issue of maintenance on the west side of the right of way to maintain that side of the right of way, to mow the grass, to repair the retaining wall, to plant trees and to take care of that along their frontage; that was the issue that Patricia was saying they didn't want to do, they wanted the public to do it.

Vice Chair Krum stated it seemed reasonable; they couldn't very well ask Parkville to do it, could they.

Ms. Jensen responded that right now the street existed half in Parkville and half in Kansas City, Missouri.

Vice Chair Krum added and they were moving it to be fully in Missouri.

Ms. Jensen answered yes; and she said to John there were medians all over the City that got constructed that they didn't impose the obligation on the opposing property owner; they were asking them to maintain more than what any other citizen was required to maintain; that's their issue.

Ms. Diane Binckley wanted to comment; actually if they were proposing to provide 65 feet of right of way, the City only required 60; they would take the 60 and they could keep the 5 feet along the City limit line and maintain that property because they would own both sides of the street.

Mr. Eckardt added or move the street.

Vice Chair Krum asked how would that condition be adjusted?

Ms. Binckley stated it was a choice; right now they were offering to give 65 feet of right of way; and they were only requiring 60 which wasn't covered in that specific condition, but if they took the 60 and didn't take the 5 feet, they didn't have to have it because they would own property on both sides and be required by Code to maintain.

Vice Chair Krum asked if she was suggesting then she would prefer to leave (j) as it read at present.

Ms. Binckley answered yes.

Vice Chair Krum stated okay; then asked John if he was okay with the applicant's request on items (m) and (n)?

Mr. Eckardt answered no; the request on the lime stone, it probably would work out in the end, he didn't know that; they made a request based on Parkville's request to have lime stone around this initial detention area right there. It would be visible from Missouri Highway 45, they had a retaining wall exactly like the one that was recommended to him and he recommended there, probably 1/2 mile to the east and maybe one mile to the east around the low area. The request was made it like natural lime stone, it was the exact same lime stone they just put in Chouteau Trafficway from 210 to the north which would see those same blocks, same price as any other retaining wall and he thought the request was a reasonable which he included in the staff report; Patricia wanted it to state they would work it out in the future; his request was why didn't they put it in, and the City Plan Commission recommended it and the City Council put it on the plan, that way at least the tract would get a natural lime stone wall; that was his recommendation.

Ms. Jensen responded they could identify the materials before it's a Council approved plan. The only other condition was they were requesting that the movement of Building 1 be 20 feet east rather than 50 feet.

Mr. Eckardt stated he wasn't sure whether he had heard a cost estimate or an engineering estimate to state there was a good reason not to do that; he had heard "we can't do it" and that "it is inconvenient to do it", he hadn't been convinced from any engineering study or cost analysis that it couldn't be done.

Commissioner Archie stated that the value of doing it would be the distance between. . . .

Mr. Eckardt stated it would the distance between there (pointing the plan) and there.

Vice Chair Krum stated if looking at the overall layout of the development on the site, it felt like a better design to have it shifted as far to the east as it could reasonably go; one other question,

the whole Tract B which was identified as a stream buffer, that would remain forever an unimproved stream buffer as it presently was for the most part.

Ms. Jensen responded yes because it was Federal and state regulated.

Commissioner Martin asked what the outcome would be in deleting #4, #22 and #23.

Mr. Eckardt stated they were all combined into #6; and that was worked out between Wei Sun, Brett Cox and Patricia before the meeting.

Commissioner Archie asked about the moving of 20 feet; was there a consequence on the east side that would prohibit because of the terrain.

Vice Chair Krum answered they indicated they would have to change the height of the retaining wall.

Ms. Walter added that if the building was moved 50 feet to the east, it would only be 4 feet away from the parking area.

Vice Chair Krum asked about 35 feet, split the difference? It would make both people unhappy which was a good outcome.

Commissioner Martin asked about the development of Klamm to the south; they were not going to the southern portion of their project.

Ms. Jensen stated that the condition allowed to go all the way to the south; they would have to work with that adjacent property owner to get some temporary construction easements and other types of things; if they were unable to do that the condition also covered the City to make sure that at some point in time when Klamm got further improved to the south, there was additional funds to cover that gap area and was addressed in Condition #6.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 686-S-1 WITHOUT CONDITIONS. Case No. 14504-UR SUBJECT TO THE FOLLOWING CONDITIONS:**

At its regularly scheduled meeting on October 21, 2014, the City Plan Commission recommended approval of the above listed cases with the following conditions: Please note additions in **bold** and deletions in ~~strike through~~:

a) Case No. 686-S-1: Approval with no conditions.

b) Case No. 14506-MPD: Approval with the following conditions:

Condition.1 per Land Development Division (Brett Cox, (brett.cox@kcmo.org) and John Eckardt (john.eckardt@kcmo.org))

2. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. Label the jurisdictional boundaries on the plan (i.e. City Limit lines, MoDOT Right of Way)
 - b. Label more clearly prior to final approval of the plan proposed public versus private storm sewers.
 - c. Show public Surface Drainage Easement from the outfall of the detention basin in Tract A and Tract C through Lot 1, to either the Right-of-Way or Tract B.
 - d. On the Preliminary Stream Buffer Plan, remove all delineations past the maximum 250' Outer Zone area. Also provide dimensions of each zone.
 - e. Show additional connecting walkways internal to the site as required by Citywide Planning staff.
 - f. Clearly identify the city limit line between Kansas City and Parkville.
 - g. Show required landscaping between the dumpster and the public road for the dumpster located just southwest of Building 1 unless moved.
 - h. Change the required short term bicycle parking to 55 spaces and change the provided spaces to 55 or more.
 - i. Add North to Klammer Road when identifying, to be N. Klammer Road.
 - j. Include a note on the plan stating: "The developer accepts the responsibility for the maintenance of the west approach of proposed N Klammer Road for its entire frontage, as required by Section 64-243 of the City Code".
 - k. Relocate the dumpster at the south side of Bldg. 1 to more into the interior of the project and include more than one disposal location as required by Development Management staff.
 - l. Move Building 1 to the east **an additional 35 feet**, ~~to a point no closer to proposed N Klammer Road than the proposed clubhouse~~ as required by Development Management staff.
 - m. Change the proposed retaining wall around Tract A to be natural limestone.
 - n. Identify the material for the site retaining walls and show a detail of the wall with materials agreed upon by Development Management staff.
 - o. Sheet C1.01 research the Lot numbers on the adjoining Riss Lake subdivision and revise the existing platted numbers correctly.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
3. The developer must submit a Macro/Micro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

4. ~~The developer must dedicate right of way for Klammm Road as required by the Land Development Division so as to provide a total width of 60 feet of right of way.~~
5. The developer must provide documentation of approval from The City of Parkville for removal of Klammm Road from their jurisdiction within the project boundary.
6. ~~That Klammm Road shall be improved to the southern property boundary, as required by Public Works Department and the Land Development Division, including curbs and gutters, sidewalks, street lights, etc., as may be required to construct the road south of MoDOT Right of Way to current standards including relocating any utilities as may be necessary, obtaining required permit for said improvement, or enter into a Cooperative Agreement for Road Improvements and contribute funds for the construction of the road to the southern property line, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.~~ **That the developer shall realign and improve N Klammm Road to the southern property boundary as shown on the development plan and as required by the Public Works Department and the Land Development Division, including construction of a 200 foot northbound left turn lane and through lane on N Klammm Road, curbs and gutters, sidewalks, street lights, etc., as may be required to construct the road south of the MO-Rte 45 MODOT Right-of-way to current standards including relocating any utilities as may be necessary, obtaining required permits for said improvement or enter into a Cooperative Agreement for Roadway Improvements and contribute funds for the construction of the road to the southern property line, prior to recording the plat or prior to the issuance of a building permit, whichever occurs first.**
7. A waiver of the requirement for sidewalk on the west side of Klammm Road is requested by the developer and supported by the Land Development Division.
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
9. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
10. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
11. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.

12. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
13. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
14. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit and to connecting private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
15. The developer must secure permits to extend storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
16. That a final stream buffer plan be submitted with clearly dimensioned distances of disturbance from stream zones and approved prior to issuance of any building permits and prior to removal of any mature riparian species within the buffer zones due to building activities on the site, in accordance with the Section 88-415 requirements.
17. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.
18. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
19. That the city council waive the requirement of a walkway on the west side proposed N Klamm Road.

Conditions 20 through 24 per Public Works Department (Wei.Sun@kcmo.org)

20. ~~That the developer dedicate adequate right of way for the south approach of the intersection of MO-64 and N Klamm Road to provide for a 200 feet long exclusive left-turn lane, a through lane, and a future 150 feet long right turn lane, plus all appropriate tapers.~~

That the developer dedicate adequate right of way for N Klamm Road as shown on the development plan including right of way for the south approach of the intersection of Mo Rte 45 and N Klamm Road to provide for a an exclusive 200 foot

long northbound left turn lane, a through lane and a future 150 foot long right turn lane, plus all appropriate tapers.

21. ~~That the developer dedicate right-of-way so as to accommodate the proposed realigned N Klammm Road, as shown on the development plan.~~
22. ~~That the developer realign N Klammm Drive as shown on the development plan at the time of first phase of the development.~~
23. ~~That the developer construct the 200 feet long left turn lane and through lane at the time of the first phase of the development.~~
24. That the developer obtain a permit from MODOT for work in MODOT right-of-way.

Condition 25 per Water Department (Heather.Massey@kcmo.org)

25. That the developer relocate, extend and abandon water mains as required by the Water Services Department.

Condition 26 per Fire Marshal's Office (John.Hastings@kcmo.org)

26. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Condition 27 per Parks and Recreation Department (Richard.allen@kcmo.org)

27. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} & * 291 \text{ MF units} \times 2 \text{ persons/unit} \times 0.006 \text{ acres/person} = 3.49 \text{ acres} \\ & * 3.49 \text{ acres} - 0.87 \text{ acres} = 2.62 \text{ acres} \times \$16,815.50 = \$44,090.24 \end{aligned}$$

Condition 28 per City Development Department (John.eckardt@kcmo.org)

28. The developer shall submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

Motion carried 5-0

VOTING AYE: May, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes, Gutierrez and Macy

OTHER MATTERS:

To approve the minutes of September 16, 2014 meeting;

Commissioner Archie moved and Commissioner May seconded the motion that the minutes for the September 16, 2014 meeting date be **APPROVED**.

Motion carried 5-0

VOTING AYE: May, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes, Gutierrez and Macy

RE: Case No. 11029-P-7

APPLICANT: Wildwood West 7th Plat HOA
PO Box 901471
Kansas City, MO 64190

CONTACT: Casi Johnson
8410 Paris Court
Kansas City, MO 64153

LOCATION: an area generally located at the northwest corner of NW Barry Rd
and N Arcola Avenue

REQUESTS: to approve a Chapter 80 Final Plan in District R-7.5, to allow for
monument signage within an existing landscape buffer strip.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Ms. Casi Johnston representing the applicant, had reviewed the staff report and agreed to all the conditions in the staff report by telephone (per Ashley Winchell).

Vice Chair Krum opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 11029-P-7 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the applicant obtain an easement from the property owner to allow the installation of the monument sign.
2. That the applicant obtain a sign permit prior to installation of the sign.

Motion carried 5-0

VOTING AYE: May, Krum, Archie, Martin and Van Zandt
VOTING NAY: None
ABSENT: Baker-Hughes, Gutierrez and Macy

There being no further business, Chairwoman Macy adjourned the meeting at 2:40 p.m.

Respectfully submitted,

Diane M. Binckley
Assistant Secretary

APPROVED:

Jeff Krum, Vice Chair